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THE HOUSE OF LORDS IN THE XVIIIth CENTURY

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THE HOUSE OF LORDS IN 1742

At the termination of the Session. The King is present in state. Members of the House of Commons, Speaker Onslow at their head, stand below the bar

From an engraving by John Pine

THE HOUSE OF LORDS
IN THE XVIIIth CENTURY

By

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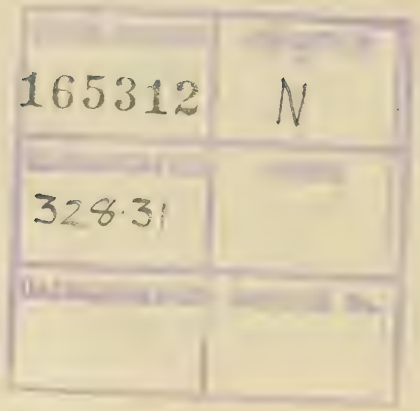

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PREFACE

THE present work is in continuation of an earlier book, *The House of Lords in the Reign of William III*, which was published in 1913 by the Clarendon Press as vol. iii of the series of Oxford Historical and Literary Studies. There I attempted an intensive study of a short period ; here a period nearly seven times as long is covered in a little more than twice the space. The decision, taken after the War, to carry the history of the House some stages farther involved a change of plan. A succession of short monographs on restricted periods would have been wearisome and unprofitable to author and reader alike, and it would have entailed much undesirable repetition. As it is, certain topics, mainly of constitutional interest, which were accorded detailed treatment in separate chapters in the first volume, have been collected together into a single introductory chapter in this. While constitutional questions must of necessity bulk largely in any work dealing with the history of Parliament, my object has been not to write a purely constitutional treatise, but, taking Sir Charles Firth's book, *The House of Lords during the Civil War*, as my model, to narrate the political history of the Chamber, to sketch the characters and influence of its outstanding members, and to estimate the importance of the part played by the peerage in the life of the nation. Some kindly reviewers of my first essay expressed the hope that I would pursue my researches into the days of ' the Venetian oligarchy of the Whigs ', and ' trace the stages whereby the peers lost their haloes'. To tell the story of the heyday of the Whig oligarchy, and of its decline in the earlier years of George III, as it is reflected in the proceedings of the Chamber to which the principal members of the oligarchy belonged, is the primary aim of the following pages. For the time being at all events

the inquiry closes at the end of the year 1783. The days of the Younger Pitt, because of his lavish creation of peerages, open a new era in the history of the Upper House.

I am deeply indebted to several friends for their generous help, for invaluable criticisms and suggestions which have enabled me to make many improvements upon the original draft of the book. Sir Charles Firth, who has been the constant inspirer of my work ever since it was begun under his supervision in Oxford, read through several of the earlier chapters of this volume. Professor R. S. Rait read the chapter on the Scottish representative peers. Professor H. W. C. Davis went through nearly the whole of my manuscript at a comparatively early stage, to its great benefit. Professor G. S. Veitch not only read the chapters on the period after 1760 in manuscript, but has also given the most zealous and unremitting care to the irksome task of revising the proofs with me.

A. S. T.

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CHAPTER I

INTRODUCTORY

PROCEDURE, RIGHTS, AND PRIVILEGES

THE great Reform Bill of 1832 brought to an end a long era in parliamentary history. By a strange fatality very shortly afterwards—in October 1834—the old Houses of Parliament were destroyed by fire. As their spirit had passed away, so also there perished their outward and visible body ; and thus there departed for ever the chance of seeing with our own eyes the Chambers where the great statesmen and orators of the eighteenth century made their name. The musty odour of the cushions, the faded trappings, or the very confinement of the space might well have preserved for us something of their atmosphere. But we cannot now look upon the selfsame woolsack on which Somers and Hardwicke, Mansfield and Thurlow sat, or upon the great Armada tapestry which bedecked the old House of Lords, an ornament often referred to in the speeches of peers, and the inspiration of one of the most glowing passages in Chatham's orations. The walls upon which their lordships gazed, the benches upon which they sat, are gone as completely as their wigs, their ruffles, and their knee-breeches. A few contemporary prints help us to conjure up the scene, but it is chiefly with the eye of imagination that we must picture the House of Lords of the eighteenth century.

That House was by no means imposing. Indeed, all the old Parliament buildings were dwarfed into insignificance by Westminster Hall, to which there was access from the Peers' Chamber through an outer lobby. The exterior of the House was plain, apart from some pinnacles on the front facing Abingdon Street, and had ' little to recommend it to our admiration '.[1] Beyond the House of Lords proper but in the same block of buildings was the ' Prince's Chamber ',

[1] *Topographical and Historical Description of London and Middlesex* (5 vols., 1815), vol. iv, pp. 523–4.

used as the Sovereign's robing room, and decorated with a curious old tapestry representing the birth of Queen Elizabeth. West of this was the so-called Painted Chamber, which took its name from some frescoes of doubtful date but certainly of great antiquity. Here the warrant for Charles I's execution had been signed and here all conferences between the two Houses took place.

Internally the House of Lords was 'an oblong room of somewhat limited dimensions'.[1] Grosley, a French observer, who in 1772 published an account of a visit to London, says of the House of Peers: 'Nothing is wanting to this august assembly but a place answerable to its majesty, a place that might vie with the grandeur and magnificence of Ranelagh. The house of peers, in which it is held, is a narrow hall of so little extent, that oftentimes part of the lords, finding it entirely occupied, either remain confounded with the people who crowd the inside of the bar, or are under a necessity of retiring. The King himself finds it difficult to get to his throne, through the multitude which surrounds it.'[2] A description of the House of Lords early in the nineteenth century speaks of it as 'though by no means a splendid room, nevertheless a very handsome one'.[3] But the chief object in the Chamber, the throne itself, though richly gilded, was 'somewhat tasteless in its decoration', and the arms of the United Kingdom introduced at the time of the Irish Union of 1800 only rendered more conspicuous the 'tarnished and decayed condition' of the canopy of State above the throne.[4] To right and left of the throne were seats for the other members of the royal family; behind it were places for 'the young Peers who have no vote in the

[1] See E. Hatton, *A New View of London* (2 vols., 1708), vol. ii, p. 637; T. Pennant, *Some Account of London* (5th ed. 1815), p. 124. Size is, of course, largely a matter of opinion. The author of *Random Recollections of the House of Lords* (3rd ed., 1836), p. 2, says that 'the interior of the late House of Lords formed a large and spacious chamber'. The actual dimensions were, length 80 feet, breadth 40 feet, and height 30 feet.

[2] M. Grosley, *A Tour to London, or New Observations on England* (3 vols., Dublin, 1772, trans. by T. Nugent), vol. iii, p. 90.

[3] *Topographical and Historical Description of London*, vol. iv, p. 524.

[4] *Ibid.*, Sholto and Reuben Percy, *History of London* (3 vols., London, 1823), vol. iii, p. 219.

House'. On the right side of the Chamber, viewed from the throne, sat the two archbishops, and a little lower down, a large fireplace occupying the intervening space, were the other bishops. On the opposite side of the House, facing the episcopal bench, sat the peers above the rank of baron, dukes nearest the throne, viscounts at the lower end. The barons occupied cross-benches in the body of the apartment. Immediately in front of and athwart the chair of State were three woolsacks, one for the Lord Chancellor, the other two for the Lords Chief Justice of the King's Bench and Common Pleas, the Master of the Rolls and the other Judges and the Masters in Chancery.

While exact order of sitting would be punctiliously observed on State occasions when the Sovereign was present, at ordinary debates there was not always the same scrupulousness. There was considerable competition for the most comfortable places in the Chamber, especially for the neighbourhood of the fireplace. The woolsacks, if only because of their proximity to the fire, were regarded as particularly desirable seats, and peers sometimes ventured to vacate their own places for those reserved for the Masters in Chancery. On February 10, 1741, there was a scene of some little disorder in the House, when it was insisted that 'the Lords should take their due places'. Where these were was determined by an Act of Henry VIII 'for placing of the Lords'.[1] The object was perhaps merely to obstruct business, but there may have been a genuine wish to find how far that Act could be harmonized with existing conditions in the event of a complete attendance of lords. It could not be entirely harmonized, for the room was no longer large enough. As it was pointed out on this occasion, in the event of there being a call of the whole House, starting with the junior baron, there was no saying where the senior duke would find himself, and a prince of the blood might have to seek refuge with the clerks. There was more space for the barons than for the earls, whose benches seem to have

[1] Cobbett's *Parliamentary History* (36 vols., London, 1806–20), vol. xi, cols. 1040–1; *Journals of the House of Lords*, vol. xxv, p. 593. In accordance with Standing Order 4 and with 31 Henry VIII, c. 10.

been particularly crowded. There was some discussion as to whether a peer in bad health might be accommodated with a seat by the fire. Such a question could not be determined by the sole authority, viz. the Act of Henry VIII which, in the most unfeeling way, recked not of the distinction between good and bad places.[1]

If the Peers' Chamber in the eighteenth century had little magnificence, its occupants were often resplendent in their robes of nobility, their stars and their ribbons. It was customary to refer to 'the noble lord in the blue ribbon' or 'the noble lord in the green ribbon'. Whenever the King was present, or on some such special occasion as that of an impeachment, the peers wore their full dress, though when Lord Macclesfield was tried in May 1725 this was dispensed with, 'several lords representing the great prejudice it may be to their healths, by reason of the warmth of the weather, to sit during the whole trial and examination in their robes'.[2] Bishops habitually wore their lawn sleeves. The Bishop of Worcester once appearing in a division without his robes, the teller refused to count him.[3]

The membership of the House was suddenly increased upon the Act of Union by the accession of the sixteen representative Scottish peers. Otherwise it changed comparatively little during the period covered by this volume. In 1704 there were 161 temporal and 26 spiritual lords.[4] In 1707, just before the Union, there were 21 dukes, 67 earls, 8 viscounts, 65 barons, 2 archbishops, and 24 bishops, making a total of 187. In 1714 there were 21 dukes, 2 marquises, 66 earls, 10 viscounts, 72 barons, 26 spiritual lords, and 16 Scottish peers, in all 213.[5] In 1719, at the time of the Peerage Bill, there were 22 dukes, 73 earls, 13 viscounts, 68 barons, and the same number of spiritual lords and representative peers as before, making with the two members of the royal family a total of 220. In 1728, at the commencement of the reign

[1] See Archbishop Secker's notes of this debate. Brit. Mus. Add. MSS. 6043, ff. 137–40; *P. H.*, vol. xi, 1040–2 *n.*

[2] *L. J.*, vol. xxii, p. 526.

[3] *P. H.*, vol. xxii, 574.

[4] J. Chamberlayne, *Angliae Notitia* for 1704, p. 161.

[5] *The Peerage of England, or an Historical and Genealogical Account of the Present Nobility* (Abel Roper and Arthur Collins, 4 vols., 1714).

of George II, there were 4 royal dukes, 24 dukes, 1 marquis, 71 earls, 15 viscounts, 64 barons, making with the episcopal bench and the Scots peers a total of 221. In 1759 there were 2 royal dukes, 20 other dukes, 1 marquis, 81 earls, 10 viscounts, 58 barons, a decrease of 7 from the figures of 1728. The year 1780 showed a slight increase, there being 3 royal dukes, 21 other dukes, 1 marquis, 78 earls, 14 viscounts, and 65 barons, i. e. the total was 224. Thus, taking the period as a whole, the average membership of the House was about 220.[1]

The attendance of peers varied inevitably according to the interest of the business before the House—its interest rather than its inherent importance. The method adopted for securing a large attendance was to move that the House should order the peers to be summoned 'to attend the service of the House' on a certain date. An attendance of over 70 was common at important debates during the reign of Anne. There were 91 present in the division on the 'Church in danger question' on December 6, 1705.[2] At the impeachment of Dr. Sacheverell as many as 121 peers voted.[3] Attendances of about 80 to 90 were common during the heated debates of the last three years of the reign, and for the debate on the third reading of the Schism Bill the number rose to 108.[4] At the second reading of the Septennial Act on April 14, 1716, there were 121 present:[5] at the third reading, four days later, 105.[6] At the great debate on the Convention of El Pardo on March 1, 1738/9, there were 129 present.[7] In the division on the motion for the removal of Sir Robert Walpole from the King's counsels, which took place on February 12, 1741, 135 peers took part.[8] On the occasion of Chatham's proposal for reversal of the House of Commons' decisions expelling Wilkes from

[1] See *Two Lists; shewing the Alterations that have been made in the House of Commons . . . and in the House of Peers, from the Accession of King James I to this time* (1719); *The New Peerage, or Present State of the Nobility of England* (3 vols., London, 1759); also lists in Sir E. Egerton Brydges's *Reflections on the Late Augmentation of the English Peerage* (1798), pp. 5–7.

[2] *L. J.*, vol. xviii, p. 42. [3] *Ibid.*, vol. xix, p. 114. [4] *Ibid.*, p. 716.

[5] *Ibid.*, vol. xx, p. 330. [6] *Ibid.*, p. 334.

[7] *Ibid.*, vol. xxv, pp. 306–7. [8] *Ibid.*, pp. 594–5.

their House, 97 were present ;[1] at the third reading of Lord North's bill for revoking the constitution of Massachusetts and altering its government, 69.[2] At the inquiry into the state of the nation, initiated by Rockingham in the spring of 1778, there was an average attendance of over 80.[3] At the debate on the cause of the fall of Yorktown, there were 106 present ;[4] at that on the Sackville peerage, 128 ;[5] at that on December 17, 1783, on Fox's East India Bill, 133.[6] As a very rough generalization it may be said that a big debate in the House of Lords attracted anything from a half to two-thirds of its membership to the Chamber.

Proceedings were rarely protracted, and it was unusual for them to last long after the early dinner hour of those days, which was from three to five. Sittings which continued after 9 p.m. were most exceptional.

The big debates do not take up much space in the pages of the *Journals* of the House. The contrasts between the *Journals* and *Parliamentary History* are instructive. The pages of the latter suggest that practically all their lordships' time was taken up in debating ; the pages of the former that practically none of their time was so occupied. Both suggestions are inexact. As it is the proceedings which figure in the *Parliamentary History* that are most familiar it is well to remind ourselves of the multifarious other business which finds no record there, but which bulks so largely in the *Journals*. The most superficial glance over the leaves of the official record of the peers' activities shows how much more numerous than the public bills were the private bills—estate bills, enclosure bills, &c. This feature is common to both Houses. What distinguishes the Upper from the Lower House is the former's judicial work. The

[1] *L. J.*, vol. xxxii, p. 560. [2] *Ibid.*, vol. xxxiv, p. 201.

[3] Frequently about 100, e.g. Feb. 2, 112 ; Feb. 4, 126 ; Feb. 6, 104 ; Feb. 16, 98 ; Feb. 19, 94 ; March 2, 105. See *L. J.*, vol. xxxv, pp. 284, 287–8, 292, 307, 312, 329, 330.

[4] *Ibid.*, vol. xxxvi, pp. 379–80. [5] *Ibid.*, pp. 388–9.

[6] Vol. xxxvii, pp. 26–7. The figures given above are those of the peers whose names were entered as having been present at any part of the day. The numbers in divisions were often greatly swelled by the addition of proxies, e.g. at the second reading of Fox's East India Bill 171 votes were recorded.

Journals plainly reveal the Chamber in its character as a law-court. The judicature of the House is constantly in evidence. There are very frequent proceedings on appeal from the lower courts in England and also from Ireland,[1] and after 1707 from Scotland; frequent appeals upon writs of error. There are also such extraordinary proceedings as impeachments and trials of peers. Special days were arranged for the transaction of the ordinary judicial business of the House, and on these days such business was taken first—commencing as early as ten or eleven in the morning—and nothing else was allowed to intervene.

To the list of the Chamber's judicial activities should be added divorce cases. A divorce *a mensa et thoro* had first to be obtained in the ecclesiastical court, but it had to be confirmed by Act of Parliament. The method was legislative, and both Houses were concerned together in divorce bills as in any other private bills; but, essentially, the parliamentary action was judicial in character, as the hearing of counsel and the examination of witnesses formed an integral part of the proceedings. These investigations took place in both Chambers, but it was to the Upper House that the petition for divorce was first addressed, and it was by a committee of that House that the evidence was thoroughly sifted. Divorce bills at the opening of the century were of extremely rare occurrence. There were only six under Anne, and only two under George I. Thereafter their number steadily and rapidly increased. There were twenty-nine during the reign of George II, and fifty-six between

[1] See *The House of Lords in the Reign of William III*, pp. 97–8. The appellate jurisdiction of the English House of Lords in appeals from the Irish courts had existed since the fourteenth century. In consequence of two cases, *Annesley* v. *Sherlock*, and *Lord Dudley and Ward* v. *Brabazon*, in which the Irish House of Lords arrogated to itself the right of examining the verdicts of courts in Ireland, the powers of the English House of Lords were solemnly reaffirmed in a Declaratory Act of 1719 (6 George I, c. 5). When, however, towards the end of our period, the British Government decided to acquiesce in the Irish demand for legislative independence, first, this Declaratory Act was repealed (22 George III, c. 53), and second, the Statute of 1782 (23 George III, c. 28), which made the Irish Parliament independent, also transferred the appellate jurisdiction to the Irish Upper House. See *infra*, pp. 404–5; also L. O. Pike, *Constitutional History of the House of Lords* (1894), pp. 300–3.

1760 and 1783. This phenomenon seemed very alarming to the Peers, who made sundry efforts to counteract the tendency. It was a condition for obtaining a divorce act, when the husband was the petitioner, that he should take action at common law against his wife's paramour to recover damages. In February 1771 the Lords endeavoured to secure in addition to this that a clause should be inserted in every divorce bill brought for adultery, to prevent the person divorced from marrying the offending party, and to declare the issue of any such marriage incapable of inheriting.[1] A bill to this effect passed in the Upper House, but upon being sent down to the Commons it was first suffered to remain on the table for three weeks, and then rejected after full discussion.[2] A bill to very much the same effect was introduced into the House of Lords on March 11, 1779, by Shute Barrington, then Bishop of Llandaff, and recommended to their lordships' favour because of the shameful extent to which the vice of adultery had increased, especially in the higher ranks—to the great misfortune of some of the first families in the kingdom. This measure also passed the Lords, but was rejected by the Commons on the second reading in that Chamber.[3]

The system of obtaining divorce by means of a legislative act, which virtually meant that the House of Lords was the divorce court of the land, remained in operation until 1857. The appellate system of the House, as it was exercised in the eighteenth century, continued until 1873. Up to that date the judicial business of the House was nominally at

[1] *L. J.*, vol. xxxiii, pp. 82, 116. Third reading was on March 15.

[2] *P. H.*, vol. xx, 597.

[3] *L. J.*, vol. xxxv, pp. 624, 690; *C. J.*, vol. xxxvii, p. 369; *P. H.*, vol. xx, 592–601. Lord Chancellor Thurlow, though notoriously an offender himself, was a most zealous advocate of this measure, begging the House to recollect that any attempt to preserve the purity of blood of their descendants from contamination merited their immediate attention. Lord Effingham gave it as his opinion that instead of preventing the two offending parties from marrying the best punishment would be to compel them to marry immediately. The Duke of Richmond, who was opposed altogether to divorce, held the view that the husband was generally to blame, and that it was usually his cruelty or neglect that produced the wife's infidelity. He thought the bill one-sided. The Commons, in rejecting it, seem to have been actuated by the same consideration.

any rate transacted by the House as a whole, and any peer, however ignorant of law, had as much right to give his judgement as the Lord Chancellor himself. Long before this, in actual practice, the work had come to be done by the lawyer members of the House alone. But this process was far from complete at the opening of the eighteenth century, and one can well understand the alarm of the House of Commons when a political question, like that of the Aylesbury election,[1] was brought before the Lords on a writ of error, and was there discussed by all and sundry like any other controversial political question, and not at all with the calm detachment of an ordinary law-court. This fear of the Peers' appellate jurisdiction accounts for the anxiety which the Commons showed so markedly in the eighteenth century to keep questions of their privilege entirely outside the cognizance of the common law.[2] Whenever personal feeling ran high in connexion with a judicial case the lay lord was tempted to exercise his right to intervene. A notable instance of this is the Douglas-Hamilton case, in which several lay lords played a very active part.[3] But even here it is important to notice that the House in the end accepted the considered opinion of its greatest lawyer—Lord Mansfield. In the great majority of judicial cases there was nothing to excite the interest of the average peer, and he was well content to leave the decision of points of law to the expert. So large a proportion of the work of the House being judicial, the experts were necessarily invested with all the dignity and authority that the House exercised as a body. This explains the very remarkable ascendancy in the Chamber enjoyed by its greatest judicial members, particularly Somers, Hardwicke, and Mansfield, who, being rightly and properly accepted as guides on technical matters of law, acquired great weight on political questions also. The dividing line between the legal and the political could not

[1] See *infra*, pp. 58–71.

[2] See McIlwain, *The High Court of Parliament and its Supremacy* (Yale Univ. Press, 1910), esp. pp. 238 et seq.; C. Wittke, *History of the English Parliamentary Privilege* (Ohio State Univ. Bulletin, 1921), esp. pp. 41–3, 196–7.

[3] See *infra*, p. 340.

be very rigidly drawn, and a lawyer like Hardwicke could nearly always detect, and draw forcible attention to, the legal aspect of a political problem. Hardwicke habitually thought of and addressed the House of Lords as a court, as an assembly inherently different from, and greater than, the House of Commons. He was right in doing so. The Upper House was in his day, as indeed it is to-day, different from the Lower, in that it is a law-maker by two different methods —by the process of passing bills, which it shares with the Commons, and also by the process of interpreting the laws, as the supreme law-court of the land.. When the latter very important function was in practice exercised by one or two members, those persons were inevitably among his Majesty's mightiest subjects. Hardwicke remodelled our equity law ; Mansfield remodelled our common law, and created our commercial law. When a judge like Mansfield was at one and the same time a power in Cabinet, law-courts, and House of Lords, there is no cause to wonder at the consternation felt or feigned by such an enemy as Junius, who saw in him a subtle subverter of the realm.

The only lawyers who were actually members of the House were Lord Chancellors and ex-Lord Chancellors or again, as with Mansfield, a Lord Chief Justice who had been raised to the peerage ; but all the judges could be summoned for consultative purposes. Though having no vote they were an integral part of the House, and they received writs of summons to each new parliament. They were consulted on points of law, and as all their ordinary work was transacted only a few yards away in Westminster Hall, they were within easy reach. Some difference of opinion as to their functions in the House was revealed on one occasion in 1778, when the irrepressible fourth Earl of Abingdon [1] moved that the judges should be fetched to give their opinions on the raising of troops without authority of Parliament. Exception was taken to this on the ground that it was not permissible for a single lord to call for the attendance of the judges ; to which the Duke of Richmond retorted that the motion should have been accepted as a matter of course,

[1] Willoughby Bertie, 1740–99.

the judges being in strict theory always present in their places upon the woolsack, and only in practice absent because of their important duties elsewhere. The Earl of Shelburne took the opportunity to declare that few questions came before their lordships which they were not as competent to decide as the judges. On questions regarding the rights and privileges of Parliament he, at any rate, would not be directed by lawyers, nor would he ' go to Westminster Hall to enquire whether or no the constitution was in danger '.[1] Certainly by this date the practice of bringing in the judges to give their opinions upon the legal bearing of political questions was falling into abeyance, but it had been fairly frequent earlier in the century.

It is by no means easy to get an impression of the usual style of oratory in the House. Both Chambers looked upon the publication of reports of their proceedings as a breach of parliamentary privilege, and Standing Order 73, agreed to by the House of Lords on February 27, 1698, was that Chamber's law upon the subject. Parliamentary reporting, in the sense of verbatim recording of speeches, there was none. The so-called reports in the *Gentleman's* and *London Magazines*, upon which we are largely dependent for the reign of George II, are—especially in the case of those contributed by Dr. Johnson—little better than formal essays written in the style of Demosthenes and Cicero, with elaborate periods and antitheses after the best classical models, little or no attempt being made to individualize the speeches or differentiate the manner of one speaker from another. More trustworthy are the heads of arguments jotted down in manuscript by some members of the House, such notably as Archbishop Secker. Sometimes peers printed their own speeches, and although the printed version was probably always more fluent and elaborate than the spoken original the sentiments are at least authentic. Possibly more valuable than the actual text of most of the speeches are the records of the impression created by them upon their hearers. We are better off in the reign of George III than in that of George II ; the records are more numerous and

[1] *P. H.*, vol. xix, 623–30, esp. 627.

more lifelike. Even at their worst the published reports of the debates disclose the style of oratory to which the members aspired. It was a great deal more formal, solemn, and ornate than would nowadays be regarded as at all natural. It was complained of Charles Montagu, Earl of Halifax, and of Thomas, Marquis of Wharton, when they entered the House of Lords in the reign of Anne, that they 'brought up a familiar style with them from the House of Commons, that has been much practised in the House of Lords ever since, where everything formerly was managed with great decency and decorum'.[1] The more familiar style had made such headway well before the end of the century that while the Duke of Grafton is found complimenting Selwyn's friend the young Earl of Carlisle on 'the peculiar elegance of his diction',[2] the Duke of Richmond makes game of the solemn and pompous style of one of the Secretaries of State, Lord Stormont, of his 'great pomp of words, and great parade of tone and gesture', and endeavours to mimic his manner and deportment.[3] There is no question that during the period the House numbered among its members one or two (but only one or two) orators of outstanding eminence and real genius—Bolingbroke, Chatham, and Mansfield. There were some speakers of quite exceptional ability and effectiveness—Hardwicke, Carteret, Chesterfield, Camden, Shelburne, Thurlow. On the other hand, some of the most pertinacious—for example, Newcastle, Grafton, Richmond—do not appear to have been very impressive.

The comparative badness of eighteenth-century reports of parliamentary debates is notoriously due to the excessive exclusiveness and jealous suspicion of the outside world evinced by both Houses. This was most reprehensible in the case of the Lower House, because it was the people's

[1] G. Burnet, *History of His Own Time* (6 vols., Oxford, 1833), vol. v, p. 234 *n*. Note by Lord Dartmouth. Marginal references are given in this edition to the folio. It will be convenient to give the folio references in future, as it is easy to find the page in the 1833 edition from them. The reference here is vol. ii, p. 431.

[2] *P. H.*, vol. xxi, 729. Frederick, fifth Earl of Carlisle, 1748–1825.

[3] *Ibid.*, vol. xxii, 964. Charles, third Duke of Richmond, 1735–1806; David, seventh Viscount Stormont.

representative, but the House of Lords was also to blame, and on at least one occasion it carried its insistence upon its privacy to the most extravagant and undignified lengths.[1]

From the latter part of the reign of Queen Anne reporting had been fairly regular, and Abel Boyer had summarized debates in his monthly publication, *The Political State of Great Britain*. It had been thought to evade the standing orders of the Houses on the subject by publishing only during the recess. This did not prevent the House of Commons from taking drastic action in 1738. It seemed as though this but served to stimulate curiosity, for the reports continued, a new but perfectly patent device being now adopted in order to safeguard the printers. The *Gentleman's Magazine* took to narrating the proceedings of the Senate of Grand Lilliput, whose members were denoted by the most fantastic nomenclatures, while the *London Magazine* purported to concern itself solely with the doings of a political club, addressed by Julius Caesar, Mark Antony, and other Roman worthies.

On April 3, 1747, the House of Lords took action against Astley, the editor of the *London Magazine*, and Cave of the *Gentleman's Magazine*, for having printed accounts of the proceedings of the Chamber in the trial of Simon, Lord Lovat, the Jacobite, and of other debates in the House.[2] Both printers expressed their contrition. Cave, in apology, confessed that he had been guilty of great presumption, but said that he had been led by custom and the practice of other people, notably the editor of *The Political State*, who had apparently been able to publish digests of debates with impunity. Astley's excuse was that he had not thought the reports in his magazine constituted breach of privilege, since they had been chiefly compiled at second hand. 'They were generally sent him by the penny post, or by messengers,

[1] In 1738 William Pulteney gives it as his objection to the reporting of speeches of members 'that it looks very like making them responsible without doors for what they say within'. *P. H.*, vol. x, 806. See also T. Erskine May, *The Constitutional History of England* (3 vols., 1912), vol. i, pp. 333–4.

[2] *L. J.*, vol. xxvii, pp. 94, 100–1, 106–9; *P. H.*, vol. xiv, 57–61.

pursuant to advertisements inserted, inviting persons to furnish him with matters of that nature.' Of late he had been furnished with a great many speeches by one Clark, he believed an attorney, to whom he had paid ten guineas a time, though he declared that he did not know whether they were genuine or fictitious. He understood that Clark had sometimes gained entry into the House and ensconced himself behind the throne. Cave explained, as to his sources of information, that he had sometimes gone down to the House himself and heard the debates, and that he had made rough notes of the most remarkable passages. Sometimes he had had notes of speeches sent him by eminent persons, including the speakers themselves, and he had had assistance from some members who had taken notes of other members' speeches. The two offending printers swore never to offend again, were solemnly reprimanded by the Lord Chancellor, and then released. The attachment and admonition of Astley and Cave were most effective, and in consequence the records of the debates in the House from 1747 to 1770 are singularly barren. This, although the most important instance of the Chamber's zeal against the unauthorized publication of its proceedings, is not the most striking. In 1729, a portion of its *Journals* belonging to the year 1625 having been inserted in a volume of Records edited by Sanderson, the Clerk of the Rolls, in the style of Rymer's *Foedera*, the House ordered the offending pages to be excised and destroyed.[1]

While the House upon occasion excluded all strangers from its walls—as, for example, on the occasion of the second reading of the Septennial Bill,[2] which being a measure originating in the House of Lords, although it primarily affected the Commons, was stigmatized as one of 'the dictates of the Lords'—still, normally there were visitors, sons of peers and members of the House of Commons, for example. Absolutely rigid interpretation of the Standing Order was apt to be resented. In May 1738 the House decided upon the complete exclusion of strangers of whatever degree. A number of noble ladies decided to force an

[1] *L. J.*, vol. xxiii, p. 422.

[2] *Ibid.*, vol. xx, p. 331.

entry despite this resolution. The Duchesses of Queensberry and Ancaster, Lady Huntingdon (later on famous as the founder of the Countess of Huntingdon's Connection), Lady Westmorland, and Lady Cobham went down to the House and requested admittance. This was refused, and the doors were kept locked despite the angry protests of the ladies, who thereupon adopted Amazonian methods anticipatory of the suffragette tactics of the twentieth century. They proceeded to create an uproar, shouting and shrieking and raining blows upon the doors, so that the peers within could scarce hear themselves speak. This demonstration, though very disturbing to the occupants of the Chamber, was not in itself effective for the ladies' purpose, and hour after hour passed, and they still remained locked out. The two Duchesses, who took command in this attack, then resolved on a stratagem. They enjoined a half-hour of complete silence. This had the desired result. The Peers were hoodwinked into believing that the rioters had become discouraged and taken their departure. The Lord Chancellor ordered the doors to be unlocked. Immediately the ladies burst in and secured excellent places. They stayed during the remainder of the proceedings, from 5 till 11 p.m., and ' during the debate gave applause, and showed marks of dislike not only by smiles and winks (which have always been allowed in these cases), but by noisy laughs and apparent contempts, which is supposed the true reason why poor Lord Hervey spoke so miserably '.[1]

It was in 1770, during the Administration of Lord North, whose colleagues were ever resentful of criticism, that serious difficulty arose over the subject of the admission of strangers, leading to an estrangement between the Chambers. On November 22 Chatham had delivered a violent attack upon the Government's foreign policy, and it may well have been owing to apprehension as to the effects of such outrageous sentiments, were they disseminated outside the walls of St. Stephen's, that the Government's supporters determined to insist on the literal and absolute privacy of their

[1] *Letters and Works of Lady Mary Wortley Montagu* (ed. by Lord Wharncliff, 2 vols., 1893), vol. ii, pp. 37–9.

proceedings.[1] On December 10 the House was crowded, there being a full attendance of peers, and many strangers, in particular members of the House of Commons, being present. Chatham and Lord Rockingham had been discussing the desirability of again raising the question of the Government's conduct of foreign affairs and especially their unpreparedness for war. They had decided to do this by means of a motion for the increase of the forces at Gibraltar, Minorca, and Jamaica, on this day, December 10.[2]

The motion was introduced by the Duke of Manchester, who began by dilating upon the defencelessness of Gibraltar, speaking 'with an uncommon degree of eloquence'. He had not proceeded very far when he was interrupted by Lord Gower, who moved that Standing Order No. 112, which prohibited the attendance of strangers, should be read, on the ground that Spanish emissaries might be present, and that some members were taking notes. The Duke of Richmond jumped up to Manchester's assistance, and urged the impolicy of such a motion, as the only consequence would be to suggest that the Peers were afraid of their proceedings being made public. In any case he strongly resented the interruption of Manchester in the middle of his speech. Instantly he was himself interrupted by a great clamour, and cries of 'Clear the House'. Chatham, springing up in a towering rage, endeavoured to make himself heard, but in vain. The Chamber resounded with the shouts of the majority, demanding the immediate execution of the Standing Order, and an endeavour was made to eject the visitors by force, including the members of the House of Commons. Standing among these there happened to be four who had just come up from their own Chamber to present a bill to the Peers. They were there on duty, not simply sightseers. The noisy majority made no distinction between these and the rest—no doubt in their anger did not perceive what they were there for—and despite their resistance, turned them all out into the lobby. While the uproar was proceeding Chatham disdainfully walked out, being followed by eighteen

[1] See Basil Williams, *Life of William Pitt, Earl of Chatham* (1915), vol. ii, p. 278.

[2] See *infra*, p. 350.

other lords. The Ministerialists continuing to shout, ' Clear the House, clear the House ', Richmond, as he took his leave, cried in retort, ' So you will, of every honest man.' [1]

Sixteen peers subsequently inserted a protest in the *Journals* of the House against this undignified affair, which they believed to have been ' premeditated and prepared '.[2] As Chatham, who always addressed himself to an audience outside the walls of Parliament, bitterly declared a few days later : ' The labours within the House are now the labours of Hercules : for the House being kept of late clear of *hearers*, we are reduced to a snug party of unhearing and unfeeling lords, or the *tapestry hangings*, which last, mute as ministers, still tells us more than all the Cabinet on the subject of Spain, and the manner of treating with an insidious and haughty power.' [3]

Meantime the Commons, in high indignation, had been discussing the Peers' misconduct in forcibly expelling their members.[4] The episode had evoked a latent spirit of jealous hostility against the Upper House. Immediately upon returning from the scene of uproar on the 10th, one of the sufferers from indignity, Mr. George Onslow, moved to have that House cleared of strangers, peers and all—' a circumstance which has occurred in another place, within the last five minutes ', made it his duty to do so. Burke approved the motion. ' If we respect ourselves, we shall teach the Lords to respect us also.' It was also proposed to search the *Journals* of the House of Lords. To this Lord North demurred, since such a search would only show, as every one knew, that the Lords possessed the right which they had claimed on the present occasion. Shortly after this Burke drew the attention of the House to the fact that

[1] For this scene see *P. H.*, vol. xvi, 1313–20 ; *Annual Register*, 1771, vol. xiv, History. pp. 32–6 ; Horace Walpole, *Memoirs of the Reign of George III* (4 vols., 1845), vol. iv, pp. 216–18.

[2] *L. J.*, vol. xxxiii, p. 23 ; J. E. Thorold Rogers, *Complete Protests of the Lords* (3 vols., Oxford, 1875), vol. ii, pp. 110–12.

[3] *Correspondence of William Pitt, Earl of Chatham* (4 vols., 1838), vol. iv, pp. 54–5.

[4] *Annual Register*, 1771, vol. xiv, History, pp. 37–40 ; Sir Henry Cavendish's *Debates in the Commons during the unreported Parliament* (ed. J. Wright, 2 vols., 1841), vol. i, pp. 149–56.

Lord North was fast asleep. Dunning, who observed that he had not gone to the House of Lords to listen to ' their ridiculous debates ', was all for a measure of retaliation.

On the following day, with a view to furthering a reconciliation between the Houses, Lord George Germaine proposed a joint conference. Dunning objected to this course. At conferences it was customary for the Peers to sit covered, the Commons uncovered. At some future date he proposed to raise the question of this custom. At all events, at the present juncture, to submit to any sign of inferiority to the delinquent House of Peers would be insupportable. Lord North sought to pour oil on the troubled waters. There was no point in girding at a distinction between the members of the respective Houses, which conveyed no dishonour to the Commons. It might be supposed that he had a bias in favour of the peerage because of his own personal interest in it ; but this was not so. He was much prouder of being returned to the House of Commons by the free voices of his constituents than of the accidental circumstance of birth. In general he believed that the road to membership of the other House had been one of merit and national service. He deprecated denunciations of the Peers.[1]

On December 14 Germaine made a recommendation that in future the task of taking up bills to the other House should be entrusted solely to the eldest sons or the heirs apparent of peers, so that it should be only members of their own families that would run the risk of being treated with discourtesy by them.[2] Lord North was jocular. ' I allow it ', said he, ' to be a very ancient and commendable piece of justice, to visit the sins of the fathers upon their children ' ; but before this was done, it was necessary to make sure that the fathers really had sinned. Another member, Mr. Seymour, was disgusted that the motion should be treated with levity. ' I have ', he exclaimed, ' seen, in the House, great indecency committed by peers of

[1] *Cavendish Debates*, vol. i, pp. 156–66.

[2] It was suggested later in the debate that the words ' *youngest* sons ' should be substituted for ' *eldest* sons '. Germaine was the youngest son of the first Duke of Dorset.

England. I have seen peers publicly canvassing our members. (Cries of Hear ! Hear !). I will speak out. I have seen peers concealed during a division.' He was for showing a proper spirit, ' would have every man in England admitted in preference to the Lords—would make a fresh order to exclude the peerage '.[1]

It was long before the irritation occasioned by the episode of 1770 died down. The Commons had ' relaxed much of the stiffness of their order before the close of the session ', but four years later the portals of each Chamber were still as a general rule closed against the members of the other.[2] The practice was, however, by this time being stigmatized as absurd, and the desirability of allowing young lords to attend debates of the Commons for their instruction was being suggested by members of the House.[3] By March 1779, a different spirit had come to prevail in the other House as well, for the Duke of Manchester [4] then speaks of the Commons as being ' exceeding civil to members of that House, accommodating them, whenever they chose to hear their debates, with the best seats in the House ', and he proposes that, as a compliment in return, members of the Lower House should, whenever they wished to visit the peers' Chamber, be specially provided with accommodation between the throne and the woolsack, and a bar be erected in that part of the House.[5]

In cases of disagreement between the Houses the custom was to hold a joint conference, the meeting-place being the

[1] *Cavendish Debates*, vol. i, p. 169.

[2] An effort made by the second, ' the wicked Lord Lyttelton ' to induce the Peers to relax their order against the admission of strangers, so far as members of the House of Commons was concerned, was defeated by 36 to 28. Dec. 6, 1774, *L. J.*, vol. xxxiv, p. 276.

[3] *P. H.*, vol. xviii, 53–4. See especially some interesting remarks by Burke on the desirability of intercommunication between members of the two Chambers.

[4] The fourth duke, 1737–88.

[5] *L. J.*, vol. xxxiv, p. 611 ; *P. H.*, vol. xx, 469-71. The Peers, though anxious to show courtesy to the other House, would not accept this proposal. A few days later Manchester proposed that for the convenience of ordinary strangers a gallery to accommodate 100 persons should be erected. This idea, which emanated from Sir W. Chambers, though not accepted at the time, was subsequently adopted. *L. J.*, vol. xxxv, p. 618 ; *P. H.*, vol. xx, 472–4.

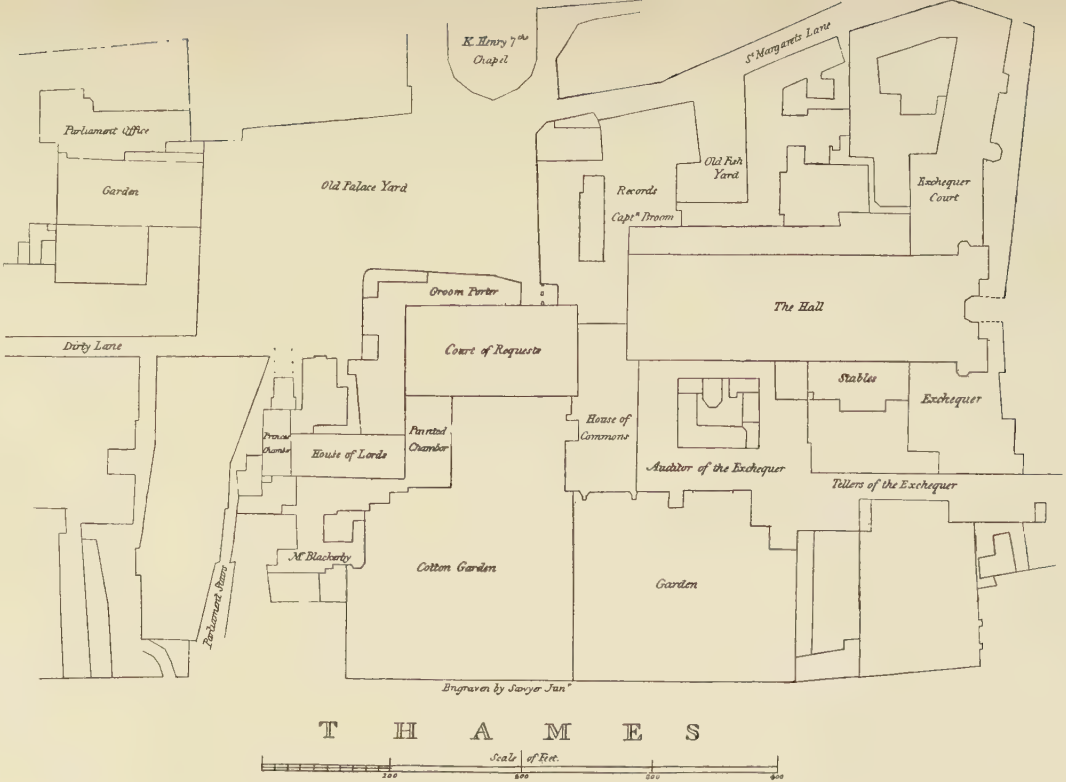
Painted Chamber. There were two types of conference, one being very much more formal than the other, and also much the commoner. In it each Chamber acted through the medium of representatives or ' managers ', as they were termed. These agents were bound by the instructions of the House, and their duty was simply to present their case, hear their opponent's, and then report to the House. The other type of conference was a ' free ' conference. Here all the members of the two Houses met together, and there was untrammelled liberty of discussion. No free conferences between the Houses took place during the greater part of the eighteenth century, the last occurring in 1740. The next was in 1836.[1] The conference method being accepted as the invariable mode of procedure when the Houses were in dispute the House of Lords took great umbrage when, in the quarrel over the Aylesbury Election case, the Commons instead of desiring a conference made an appeal to the Crown against the Peers. As is shown by Mr. Dunning's grievance in connexion with the quarrel of 1770, which has already been noted, it was the custom at conferences for the difference in status between the Houses to be marked by the peers sitting covered—only when they rose to speak did they take off their hats—while the Commons remained uncovered throughout.[2]

The Peers were apt to be punctilious as to the respect due to their dignity. There was a slight but curious instance of this in 1723, when one day (February 3) the Lord Chancellor, Macclesfield,[3] failed to take his seat as Speaker of the House until two hours after the sitting was due to commence. When he arrived he was very apologetic, explaining that he had been summoned by the King to St. James's Palace, and had been detained there. As soon as he was free he had made his way to the House with the utmost expedition. This excuse did not satisfy certain of the peers. While they were willing to exonerate the Chancellor from the suggestion of wilful neglect of duty they considered that a grave

[1] See T. Erskine May, *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (12th ed., 1917), pp. 533–4.

[2] See *supra*, p. 18. On conferences generally see J. Hatsell, *Precedents of Proceedings in the House of Commons* (4 vols., 1785-96), vol. iv, pp. 14–49.

[3] Thomas Parker, first earl (1666-1732).



PLAN OF THE PALACE OF WESTMINSTER FROM J. T. SMITH'S *ANTIQUITIES OF WESTMINSTER* (1807)

The block of buildings including the House of Lords, the Painted Chamber, the Prince's Chamber, and the Court of Requests formed part of the old Palace. The Court of Requests was converted into a Chamber for the Peers after the legislative Union with Ireland in 1801

indignity had been put upon the greatest council in the kingdom, which ought never to be kept waiting upon any account whatsoever, and as a mark of resentment they moved the adjournment of the House. This motion was lost by 49 to 31, but the majority of the dissidents entered a protest in which they alleged that 'the dignity of this House has not been of late increasing', and that therefore they were 'unwilling that anything we conceive to be a gross neglect of it, should pass without some note to our records, that we were sensible of such neglect, and did not approve it'.[1]

Three years later there was another interesting instance of sensitiveness on the part of the Peers. It is generally held that in the history of the relations between the two Houses as regards control of finance the crucial period is that of the reign of Charles II. In 1661, for the express purpose of showing that they had not abandoned their claim to originate, amend, or reject money bills, the Lords had provoked a controversy with the Commons. In 1671 the latter resolved 'that, in all aids given the King, by the Commons, the Rate of Tax ought not to be altered by the Lords'.[2] Nevertheless, in 1678, the Upper House amended a money bill, whereupon the Commons adopted another, more comprehensive, resolution: 'That all Aids and Supplies . . . are the sole gift of the Commons. . . . And that it is the undoubted and sole Right of the Commons, to direct, limit and appoint, in such Bills, the Ends, Purposes, Considerations, Limitations and Qualifications of such Grants; which ought not to be changed, or altered by the House of Lords.'[3] The Lords found themselves unable to stick to their guns on this occasion, and from this time onward they seldom challenged the other House on the taxation issue, and when they did they always had to retreat. Nevertheless, the controversy was not brought to a decisive termination until the Parliament Act of 1911. While in practice they might yield, in theory the Peers remained staunch.

[1] See *L. J.*, vol. xxi, pp. 671–3; *P. H.*, vol. vii, 960–1; *Complete Protests*, vol. i, pp. 288–90.

[2] *C. J.*, vol. ix, p. 235; Hatsell, vol. iii, pp. 88, 215–44.

[3] *C. J.*, vol. ix; Hatsell, vol. iii, pp. 90, 253–72.

Thus, when in April 1726 a royal message relating to the raising of an additional number of seamen for the navy was sent to the Commons only, the Earl of Strafford [1] rose to protest that this ' was without precedent and struck at the ancient privileges of the peers, who were the grand standing council of the sovereign, the hereditary guardians of the liberties and properties of the people, and after the sovereign himself the principal part of the legislature '. Other members of the House urged that it was the undoubted right of the Peers to alter and amend money bills, that therefore ' all demands of supply should come from the throne to the House of Peers, and therefore all other methods are unparliamentary, new, and dangerous to the constitution '. If the Lords, argued another, tacitly suffered their rights to be infringed in this way, they might at last come to be voted useless, as had once happened to them before. The matter was pursued by the Opposition members of the House. These were the days of Sir Robert Walpole, and the motion, that an address should be presented to the King to know who assisted His Majesty to send his message to the Lower House only, was obviously aimed at him. The Ministerial party were able to defeat this motion by the comfortable majority of 59 to 31. But the point of view of the minority is interesting. In their protest they explained that they had been anxious ' lest any mistake of this kind should be attended with such evil consequences as to encourage evil ministers hereafter to a total neglect of this House '.[2]

A precisely similar case occurred in February 1740, with precisely the same result. A royal message asking for an extra supply for war purposes was sent to the Commons alone. The Earl of Halifax [3] declared that the sacred privileges of the Upper House were being assailed in cavalier fashion. One peer, Lord Talbot,[4] speaking in terms of oriental deference to the House, hoped that what the peers

[1] Thomas Wentworth, third earl, 1672–1739.

[2] See on this subject *L. J.*, vol. xxii, pp. 649–50, April 20; *P. H.*, vol. viii, 518–21; *Complete Protests*, vol. i, pp. 382–4.

[3] George Montagu Dunk, the first earl of the third creation, 1716–71.

[4] William, second Lord Talbot, son of the Lord Chancellor of that name who had died in 1737.

had ' hitherto scorned verbally to admit ', they would ' disdain virtually to allow '. The Lord Chancellor, Hardwicke, maintained that to send a message touching finance only to the Commons was as natural and proper as to send one touching judicature only to the Lords—there was an exact analogy ; but Carteret refused to accept a view which was based upon an acknowledgement that the Commons had an exclusive right to deal with financial affairs.[1]

A curious and indeed a unique instance of concern for the dignity of the House is the protest evoked by the elevation to a peerage of Lord George Germaine, with the title of Viscount Sackville, in 1782. Sackville's ill repute was notorious, for he had been accused of disobeying Prince Ferdinand's orders at the battle of Minden, when in command of the British cavalry. He had been tried by court-martial and, being found guilty, had been pronounced ' unfit to serve His Majesty in any military capacity whatever '. Such a sentence would have meant the end of most men's public careers, but Germaine was a good Tory, and he had for that reason found favour in the sight of George III. From the autumn of 1775 till the spring of 1782, when he was thus raised to the peerage, he was one of the Secretaries of State ; in this capacity he had endeavoured, with remarkable ill success, to direct the operations of war against the revolted colonists in America. The elevation of this man infuriated the Whig peers. Thus, on February 7 the Marquis of Carmarthen [2] rose to say that, ' he did not mean to dispute the prerogative of the Crown ; but he thought the creating such a person a peer was a disgrace to the House '. He accordingly moved that ' it is derogatory to the honour of this House ' that a person labouring under such a censure as was Lord Sackville ' should be recommended to the Crown to be raised to the dignity of a peerage '. When Lord Stormont, speaking for the Government, objected that the motion ' clearly trenched upon the prerogative of the Crown . . . he knew of no disqualification for the peerage

[1] See *L. J.*, vol. xxv, p. 428, Feb. 28, 1740 ; *P. H.*, vol. xi, 449–91.

[2] Eldest son of the fourth Duke of Leeds. Sat as Baron Osborne of Kiveton.

short of legal disability', Carmarthen turned this to ridicule. According to such reasoning the King's chimney-sweeper might be made a peer. The ever-outspoken Earl of Abingdon declared that the presence of this man, who as the result of his 'bloodthirstiness, his weakness, his wickedness, and his mismanagement', had been 'the author of all the calamities of the war', was a contamination to the peerage. Lord Derby regarded as an insult the giving of a peerage to a man 'whose disgrace was entered in the orderly-room of every British regiment'. Lord Shelburne saw a world of difference between such a person sitting in the Lower House—Sackville had been a member of the House of Commons—and his being promoted to the other. 'There was a great distinction surely between the one House and the other, however the other House might entertain a different idea.' [1]

The episode is an interesting illustration of the Peers' zeal for the honour of their House.

The guardians of order within the Chamber are the Peers themselves. The position of the Lord Chancellor in the Upper House is not analogous to that of the Speaker in the House of Commons. Peers do not address him, as members of the other Chamber do Mr. Speaker; they address the House. The House had framed certain important rules of discipline in its Standing Orders. For example, Standing Order 28 is to the effect 'that all personal, sharp or taxing speeches be foreborn'. The House 'will sharply censure the offenders'.[2] There was a notable instance of this in December 1766, when, on one of his earliest appearances in the House, Chatham had a sharp quarrel with the Duke of Richmond. The House intervened, insisting that no breach

[1] *P. H.*, vol. xxii, 999–1006; Duke of Buckingham and Chandos, *Memoirs of the Court and Cabinets of George III* (4 vols., 1853–5), vol. i, p. 23; Lord E. Fitzmaurice, *Life of Shelburne* (3 vols., 1875–6), vol. iii, pp. 125–8. The debate was adjourned on Feb. 7. On Feb. 18 Carmarthen brought forward another motion similar to his first. Sackville spoke in his own defence, and was ably defended by Lord Walsingham and Lord Thurlow, who, we are told, 'delivered one of the most powerful speeches in reply, that perhaps ever fell on any occasion, from the mouth of any member of the House.' The motion was defeated by 93 to 28. See *P. H.*, vol. xxii, 1006–23; *Complete Protests*, vol. ii, pp. 212–13.

[2] *L. J.*, vol. xii, p. 31.

of the peace should be committed as the upshot of these recriminations, and both the offenders begged pardon.[1]

Again, Standing Order 29 lays it down that if any peer regards himself as injured by another outside the House he shall appeal to the Lords in Parliament for reparation. Refusal to accept the decree of the House in settlement of the trouble shall meet with severe censure.[2] On November 3 1780 the Lord Chancellor informed the House of a rumour that had reached him 'of an insult having been offered, and a further insult threatened, to one of their lordships'.[3] The Earl of Jersey[4] then rose to say that a correspondence had passed between two noble lords, 'which, unless immediate steps were taken, might be fatal to one or both of the parties'. Called upon for the names, Jersey gave them—the Duke of Grafton[5] and Lord Pomfret.[6] The Lord Chancellor then moved, and the House agreed, that these two peers should be summoned to attend in their places on the following Monday, the 10th. On that day the two peers were called upon for their explanations. Grafton first rose to make his statement. Greatly to his surprise he had a few days before received a peremptory letter from the Earl of Pomfret, demanding satisfaction with either sword or pistols on account of an alleged injury done to the earl on account of a certain servant, Langstaff by name, originally in Pomfret's employ, now in the Duke's, of whom the latter professed he had never even heard. Pomfret's case was that Langstaff had been one of his gamekeepers, that he had to discharge him, that in consequence the man had vowed vengeance upon his late employer, and he had been responsible for the malicious laming of a fine colt in the earl's stables. Pomfret had then had Langstaff apprehended and taken before the magistrates; whereupon one Smythe, the Duke of Grafton's huntsman, had appeared and demanded that Langstaff should be released as being under his grace's protection. In the eighteenth century the servant still shared in his master's virtue, had the benefit

[1] *Ibid.*, vol. xxxi, p. 448.
[2] *Ibid.*, vol. iv, p. 355.
[3] *P. H.*, vol. xxi, 854–5.
[4] The fourth earl, 1735–1805.
[5] The third duke, 1735–1811.
[6] The second earl, 1722–85.

of his noble employer's privilege as regards freedom from arrest. Accordingly, Langstaff had gone free, and Pomfret, highly incensed, had sent his challenge to Grafton. He had, however, realized that Smythe had acted without the Duke's knowledge, and he therefore now declared upon his honour that 'he would not pursue his vengeance against the Duke of Grafton any further'. When Grafton and Pomfret had withdrawn the House deliberated as to the action it should take, with the result that it resolved that Pomfret, 'having sent a challenge to the Duke of Grafton, hath been guilty of a high contempt of this House', and ordered that for this offence he should be committed to the Tower. On the 15th Pomfret presented a petition to the House, couched in the most penitent terms. On the 17th he was brought to the bar and received a severe reprimand, but was informed that his further punishment was remitted on account of his complete submission, on condition that he made a full apology to the House and solemnly promised not to molest the Duke of Grafton further.[1]

The privilege, enjoyed by members of both Houses of Parliament, of granting to their servants 'protections' from arrest in a civil suit was one peculiarly liable to abuse. There had been a number of scandalous instances of this in the reign of William III. There was a distinct improvement subsequently as the result of the resolve of the House of Lords to restrict the use of the privilege within proper limits. Servants' privilege had been confined by an Order of the House dating as far back as May 1624 to menial servants, and 'also those employed necessarily and properly about their estates, as well as their persons'.[2] But this interpretation had been constantly evaded. It was reaffirmed by an Order of 1715.[3] There were instances of protections being given to attorneys and to sons acting as secretaries

[1] See *P. H.*, vol. xxi, 855–67.

[2] *L. J.*, vol. iii, p. 417.

[3] *Ibid.*, vol. xx, p. 114. See an interesting case quoted by Wittke (*Parliamentary Privilege*, p. 115), that of a servant of Lord Willoughby de Broke, in which the Court of King's Bench disallowed the claim to privilege, not because the existence of the privilege was disputed, but because the petitioner was adjudged not to come within the limitations imposed by the Lords' Standing Order.

to their fathers. It was also necessary to put an end to the scandal of written protections, because they were sometimes forged, and sometimes passed on from the original owner to other persons who had no sort of claim to them, in which circumstances they acquired a considerable market value.

On May 7, 1712, the House adopted an order of January 27, 1696, voiding all extant written protections and prohibiting their issue for the future, as a Standing Order.[1] The Standing Order was evidently not effective, for on February 18, 1723/4, we find the under-sheriffs of London and Middlesex and the high bailiff of Westminster being called upon to attend the House and bring with them all written protections granted by peers which were in their possession. In consequence of the discussions which followed upon the delivery of these lists a new Standing Order was adopted on the 29th, by which under-sheriffs and other officers were instructed to disregard written protections as being issued in defiance of the authority of the House, and which reiterated the old restriction of the enjoyment of protection to *bona fide* servants employed about the estates or the persons of peers and their families.[2] A year later the Earl of Suffolk was found guilty of granting several protections in writing, ' in breach of the Standing Order, and to the dishonour of this House, as likewise to the obstruction of public justice ', and he was committed to the Tower.[3] But evidently this particular abuse was dying out, for when, in November 1754, the under-sheriffs of London, Middlesex, and the high sheriff of Westminster were again called upon to produce lists of written protections in their possession there proved to be none.[4] The problem of protections was automatically solved when servants' privilege of exemption from arrest in a civil suit was tacitly dropped by the deliberate omission of any clause reserving it in the Act of 1770 for Preventing Delays of Justice by reason of Privilege of Parliament.[5]

The House of Lords possessed, and up to 1874 exercised,

[1] *Ibid.*, vol. xix, pp. 431, 442.
[2] *Ibid.*, vol. xxii, pp. 264, 265, 267, 272.
[3] *Ibid.*, p. 391.
[4] *Ibid.*, vol. xxviii, pp. 287, 288.
[5] 10 George III, c. 50. Mansfield stoutly defended the dropping of servants' privilege, see *P. H.*, vol. xvi, 974–8.

the curious privilege of ' protesting '. This was the privilege of a minority. They were entitled to enter in the pages of the *Journals* a protest against any decision of the House, assigning their reasons, and appending their signatures. This system has led to the curious result that the *Journals* of the House tell us more about the views of minorities than of those held by majorities ; of the latter we know only their conclusions, of the former not only their opinions, but their arguments.[1] By long-standing usage the right was restricted to those who had actually voted on the question to which the protest referred. There was yet another limitation. The privileges of a minority exist in any case by sufferance. If the majority took strong exception to the arguments used by the protestors they could order them to be expunged from the pages of the *Journals*. This occasionally happened.

There was a notable instance in 1711 when the greater part of a reasoned protest was expunged by the decision of the majority in the House.[2] In May 1712 a protest was entered against the decision of the House in the debate on the famous ' restraining orders ' to Ormonde. On June 13 the whole of this protest was ordered to be expunged. In the meantime, however, the terms of the protest had become public property, having been printed and circulated widely not only in England, but in France and elsewhere abroad.[3] The same sort of thing happened with a protest of June 7. It was ordered to be expunged on the 13th.[4]

Again, in February 1721/2, the chief reason assigned in a certain protest against the rejection of a bill for securing the freedom of elections, was that it had been admitted in debate that public money was used by the Administration for the purpose of influencing elections. The reference was to a speech by the Earl of Sunderland, who took most vehement exception to the protest. It was, he said, an intolerable abuse of the right of protesting that it should

[1] *Complete Protests*, Introduction, pp. v–xli. See Pike, *Constitutional History of the House of Lords*, pp. 245–6 ; May, *Law, Privileges, Proceedings and Usage of Parliament*, pp. 336–7.

[2] See *infra*, p. 107 ; also *Complete Protests*, vol. i, pp. 204–6.

[3] *Ibid.*, pp. 210–12 ; and *infra*, p. 122.

[4] *Complete Protests*, vol. i, pp. 213–17.

be used in order to put a deliberately wrong interpretation on a man's words. He had been referring only to the days of Charles II and James II, not for a moment to the present day. The privilege, he declared, needed regulation, while as to the current practice of printing and circulating protests in order to influence public opinion against Administration, that was abominable. A motion to expunge the whole obnoxious protest was carried by a large majority. Thereupon a new protest was inserted, protesting against the expunging of the previous protest, and against the whole of the recent practice of expunging as novel and unprecedented.[1]

On February 27 Sunderland called formal attention to recent abuses of the privilege of protesting. He proposed as a check upon them the following rules : ' That such lords as shall enter their protestations with reasons, shall do the same before two o'clock the next sitting days, and sign them before the House rises.' It was contended against this motion that it ' would, in effect, put an end to an ancient privilege, besides being productive of crude and undigested entries, unbecoming records which were for ages '. The House, as a whole, was unperturbed by these apprehensions, and on March 3 adopted the new regulations, which were incorporated as Standing Order 35.[2] A protest, recapitulating the arguments advanced in debates on February 27, was duly forthcoming. The gloomy anticipations of the minority were not fulfilled. There was no falling off in the frequency of protests after the adoption of the new Standing Order, and if their logic was less cogent and their diction less felicitous than of yore, this is not apparent to the modern reader.

There are several notable instances during the eighteenth century of the lord's right to be tried by his peers in all cases of treason and misdemeanour. There is the case of the extraordinary Lord Ferrers,[3] who murdered his steward, was tried in Westminster Hall, and duly condemned to death.

[1] *P. H.*, vol. vii, 969–76 ; *Complete Protests*, vol. i, pp. 290–5 ; *L. J.*, vol. xxi, p. 695.

[2] *P. H.*, vol. vii, 976–8 ; *Complete Protests*, vol. i, pp. 363–5.

[3] Lawrence Shirley, fourth earl, 1720–60.

The trial excited immense interest, and all the nobility and all the wives of the nobility flocked to witness the show. Horace Walpole tells us that foreigners were horrified by the whole magnificent process and its ghastly termination, that they ' were struck with the awfulness of the proceeding—it is new to their ideas, to see such deliberate justice, and such dignity of nobility, mixed with no respect for birth in the catastrophe '.[1] It is quite possible that to-day Ferrers would have been acquitted on the ground of insanity, but their lordships at the trial brushed aside that plea, and had no hesitation in condemning their colleague to death. It was otherwise in the case of the fifth Lord Byron, great-uncle of the poet, who considering himself insulted by a certain Mr. Chaworth at dinner in their club, afterwards killed him in a duel. Out of the 123 peers at the trial 4 voted him not guilty, the remainder voted him guilty of manslaughter. He escaped entirely without punishment, in consideration of the provocation he had received.[2] Early in 1776, not long after the outbreak of the American War, and therefore during one of the most serious crises in the country's history, Elizabeth Chudleigh, Duchess of Kingston, was put on her trial for bigamy. Here was sensation indeed ! The sight of the trial was voted finer than a coronation, and the war in America was completely forgotten ! [3] Lord Mansfield had been in favour of making the trial as private as possible. There had been a sentence in the ecclesiastical court already. To what purpose would a public trial be carried out in Westminster Hall ? The lady's conviction, if she were found guilty, would not operate as an example and a deterrent, for

[1] *Letters* (ed. Mrs. Paget Toynbee, 16 vols., 1903–5), vol. iv, p. 374. See Howell's *State Trials* (33 vols., 1809–28), vol. xix, pp. 886–981, and *infra*, p. 437.

[2] *State Trials*, vol. xix, p. 1178. Lord Northington, who presided as Lord Steward on this occasion, commenced the proceedings by addressing a ' consolation ' to the prisoner. He told him that there were three kinds of homicide which were not murder, and that he had the happiness to be tried by the supreme court of the country. ' These considerations ', he concluded, ' will, I hope, compose your Lordship's mind, fortify your spirits, and leave you free for your defence.' In other words, the trial started with the prisoner being informed that he had nothing to fear as to the result.

[3] See B. Williams, *Life of Chatham*, vol. ii, p. 315.

no punishment could be inflicted upon her. Were she found guilty, all that would happen would be that 'she makes your lordships a curtsey, and you return the compliment with a bow. There is to be sure, for clergyable felonies, such a thing as burning in the hand. To the hand of a lady this might be very disagreeable: but there happens to be an Act of Parliament which will not permit peers to suffer corporal punishment for anything under a capital crime. The lady, therefore, pleads her peerage, and takes her leave.'[1] Mansfield was in favour of having the trial in the Parliament Chamber and saving the expense of having the proceedings in Westminster Hall.[2] The majority, however, were strongly against this plan; there was no precedent of either peer or peeress having been tried for felony in the Parliament Chamber, which was very inconvenient for the purpose, and they maintain that 'undoubtedly the nature of the charge and the rank of the person, require and call for the most public and solemn trial'.[3] Nothing, therefore, but Westminster Hall would suffice. The proceedings were a solemn farce It is true that when the Duchess was informed that the penalty for her offence was branding in the hand, she turned pale at the thought, but she must have known, as everybody else did, that she would not be called upon to pay the penalty. She was simply providing a spectacular sensation for the nobility.[4]

One curious privilege of the peer is the right of access to the Sovereign for the purpose of tendering advice on public affairs. When Fox's India Bill of 1783 was before Parliament the second Earl Temple, subsequently first Marquis of Buckingham, though in opposition, had an audience of George III, at which a scheme for the defeat of the measure, which was equally obnoxious to the King and to the Opposition, was devised. Temple defended his action in the House

[1] *P. H.*, vol. xviii, 1107–9.
[2] *Ibid.*, 1112–15.
[3] So the Earl of Sandwich, *ibid.*, 1118.
[4] For the trial itself see *State Trials*, vol. xx, pp. 355–650. John Burke, the originator of the *Peerage* which bears his name, for a short time edited a periodical named *The Patrician* (1846) devoted to curious facts about the aristocracy. Accounts of notable trials figure largely. That of the Duchess of Kingston is included in vol. iii, pp. 516–39.

of Lords. 'It was the privilege of Peers as the hereditary counsellors of the Crown, either individually or collectively to advise the Crown.' [1]

The phrase 'the hereditary counsellors of the Crown' was often in the mouths of eighteenth-century peers. They regarded themselves as a peculiar council, not simply a part of Parliament. There had been important occasions when they had met as a body, to undertake important functions, when Parliament was not sitting. They had met at the summons of Charles I at York in 1640, and again they had come together during the interregnum of 1688 at the Guildhall and assumed the direction of affairs, evidently regarding themselves as a properly constituted authority.[2] They are sometimes spoken of as the 'constant' counsellors of the Crown.

The common language of the century—most often found in its earlier years—represents the House of Peers as a mediating power between the throne and the Commons. 'It is both the Duty and Interest of the Nobility to oppose the Excesses of the Commons', wrote Bolingbroke in his *Dissertation upon Parties*; 'but I know too that they have another Duty, which they are not to leave alone; another point of Interest, which they are not to neglect; and therefore I have spoken of this second Estate in our Government, as of a middle Order, that are properly mediators between the other two.' [3] In Chamberlayne's *Angliae Notitia*, an eighteenth-century *Whitaker*, we read:

'In all Christian Monarchies, men that have been notable for Courage, Wisdom, Wealth, etc, have been judged fit and worthy to enjoy certain Privileges, Titles, Dignities, Honours, etc, above the Common-People, to be placed in an high Orb, and to be a Skreen between the King and the inferior subjects, to defend the one from Insolences, and the others from Tyranny; to interpose by their Counsel, Courage, and Grandeur, where common Persons dare not; to support their King and defend the Kingdom with their lives and Fortunes.' [4]

[1] *P. H.*, vol. xxiv, 154.
[2] See *The House of Lords in the Reign of William III*, pp. 131–2.
[3] *A Dissertation upon Parties* (3rd ed., 1735), p. 177.
[4] J. Chamberlayne, *Angliae Notitia*, 1704, p. 272. Cf. Blackstone, *Commentaries on the Laws of England* (4 vols., 1813), vol. i, pp. 170–1.

This is simply an expression of the old constitutional theory of the balance of powers, which gave a unique importance to the House of Lords, as the ' estate ' which acted as mediator, which maintained the nice equipoise between the despotic and the democratic. The whole conception was based upon the experience of the great Civil War of the seventeenth century. Both Stuart despotism and Commonwealth were alike anathema to the average mind in the eighteenth century, and the idea of equilibrium very attractive. The theory ceased during the eighteenth century to have much relevance to the facts of the political situation. Though Chatham was in the days of George III to call upon the Peers to stand up against the undue influence of the Crown on the one side, and the iniquities of a degenerate House of Commons on the other, they did neither. While the Lords quarrelled over important judicial questions with the Commons early in the century, and the Houses were frequently in conflict under Anne, after that they were seldom divided on questions of policy. In so far as the Lords can be said to have acted as mediators betwixt the monarchical and the democratic, they did it solely by maintaining an aristocratic predominance, by helping to keep political power in the hands of the same social class. This they achieved less by anything they accomplished in their own Chamber than by the indirect control over the composition and character of the other Chamber which they exercised through their individual influence in the constituencies. The significance of the House of Lords in the eighteenth century lies not so much in the corporate power as in the personal influence of its members. The House of Lords was still important, but what made it so was less their lordships' deliberations at Westminster than their political and social activities on their estates. The governance of England was mainly in the hands of a titled oligarchy, a landowning aristocracy. The faded and drab solemnity of the old House of Lords in the ancient Palace of Westminster was but a dim reflection of the glories of Chatsworth and Claremont, Alnwick and Stowe, Woburn and Blenheim.

CHAPTER II

DISPUTES BETWEEN THE HOUSES IN QUEEN ANNE'S FIRST PARLIAMENT, 1702–4

IF we attempt to select the dozen most outstanding figures in the political history of the reign of Queen Anne we shall find that our list is composed almost entirely of men who were at one time or another during that period members of the House of Lords; and a glance at a nominal roll of the Queen's Ministers will reveal the fact that very few members of Administration were members of the House of Commons.

At the outset of the reign perhaps the most influential man in the country was the Queen's uncle, Laurence Hyde, Earl of Rochester. He was indeed for a time the power behind the throne. Genuinely upright and high-minded, he belonged to the old-fashioned type of Tory of high principle, zealously attached to the sacred alliance of Church and State. If only because he had considerable influence over his niece, and because he largely reflected her own opinions and prejudices, Rochester, whether in or out of office, was always an important figure in the House of Lords, where, however, his notorious inability to keep his temper made him the object of repeated attacks by his opponents and robbed him of parliamentary effectiveness at all commensurate with his inherent importance.[1]

Another intimate adviser of the Queen was John Sharp, Archbishop of York. As he belonged to the High Church party, he was much more a *persona grata* with Anne than the Archbishop of Canterbury, the latitudinarian Tenison. On all ecclesiastical matters Anne was accustomed to consult Sharp, and she repeatedly brought pressure to bear upon him with regard to his conduct in Parliament. The view that she was a nonentity, a mere figure-head counting for little and taking no part in politics, which has been current

[1] *Memoirs of the Secret Services of John Macky* (1733), p. 30. See also *Correspondence of Henry Hyde, second Earl of Clarendon and his brother, Lawrence Hyde, Earl of Rochester* (ed. S. W. Singer, 2 vols., 1828) *passim*.

since her own day, was certainly not held and certainly not acted upon by the Queen herself.[1] Anne greatly dislikes a Qualification of Members Bill before Parliament in January 1704/5. She sees the Archbishop and earnestly begs him to do what he can against the measure in the House of Lords, and tells him she depends upon him.[2] About a year later she desires him to vote against a place bill. 'She pressed me earnestly to be on her side in all matters that came before Parliament touching the prerogative. . . . She desired I would never promise my vote, till I had acquainted her with my objection; she said, *I should be her confessor, and she would be mine*; and if she could not satisfy me, then I should vote as I pleased.'[3] She calls for his service in the Parliament of 1707, desires his vote on behalf of the prerogative in 1708 and in 1709. In short it is clear that she counted upon Sharp to organize resistance in the House of Lords to any measure which she conceived to threaten her royal rights.[4] Ostensibly the Archbishop did not take a very prominent part in the proceedings of the House, and he was not a frequent debater, save when ecclesiastical matters were in question.

Other Tory members of the House of Lords who held office in the early years of the reign were John Sheffield, Marquis of Normanby, created in 1703 Duke of Buckinghamshire, and Daniel Finch, Earl of Nottingham. Both had played a conspicuous part in the days of William III. Normanby, a minor man of letters, had been distinguished by his factiousness and his eloquence. John Macky, to whom we are indebted for many striking pen-portraits of statesmen of the period, thus tersely sums up his character; 'He is a nobleman of learning, and good natural parts, but of no principles. Violent for the High Church, yet seldom goes to it. Very proud, insolent and covetous, and takes all advantages. In paying his debts, unwilling; and is neither

[1] See W. F. Lord, 'Development of Political Parties during the Reign of Queen Anne', in *Transactions of the Royal Historical Society*, New Series, vol. xiv (1900), pp. 69–121 *passim*.

[2] T. Sharp, *Life of John Sharp, Archbishop of York* (2 vols., 1825), vol. i, pp. 299–300.

[3] *Ibid.*, p. 301.

[4] *Ibid.*, pp. 301–4. See also *infra*, p. 422.

esteemed nor beloved.' [1] Nottingham belonged to the same school as Rochester, and was a stalwart and convinced upholder of High Church doctrine. Tall, thin, very dark and rather foreign in appearance, exceedingly formal in manner and melancholy in mien, he was popularly known as ' Don Dismallo '.[2] He was a man of high character, and there could be no doubt as to the probity of his aims. His outlook was narrow, but he had played an honourable part since the Revolution, however little his political principles allowed him to approve of such a movement, and he had been truer to the new régime than some of its loudest adherents.

Godolphin and Marlborough were for long reckoned as moderate Tories, but the logic of events drove them more and more over to the Whigs, because it was from them that they received the full-hearted and resolute support which was needed for the prosecution of the great war, which, respectively in the closet and in the field, they were united in conducting. Although in the nature of the case the Commander-in-Chief was seldom present in the House of Lords, the Treasurer frequently, yet the latter leaves the less distinct impression. While in private life he was devoted to the dice, to horse-racing, and cock-fighting, in public he gave no hint of predilections so frivolous, being ' of very hard access ', and ' of slow speech, with an awful, serious deportment ', and ' a very black and stern countenance '.[3] The brilliant, handsome figure of Marlborough made an effective foil to the outwardly austere and retiring Treasurer. It appears before us now and again when the general leaves the seat of war to justify in the Senate his conduct of operations against criticisms, and after his dismissal in 1711 to inveigh against the Tories who had robbed him, just as they at length seemed within his grasp, of the final fruits of his long campaigning in Flanders. The effectiveness of his ' exquisite person ' must have been somewhat counter-

[1] J. Macky, *Memoirs of Secret Service*, p. 20.

[2] See a note by Speaker Onslow given in the 1832 ed. of Burnet's *History of My Own Time* to vol. ii, p. 583 (folio reference). Two pamphlets by Nottingham, the latter being a *Memorial on the State of England*, written in 1705, are to be found in *Somers Tracts*, vol. x, p. 393 and vol. xii, p. 526.

[3] Macky, *ibid.*, p. 24.

acted by a thin and 'very squeaky voice'; [1] yet he was impressive if only because of that wonderful self-command which enabled him to endure patiently the thwarting interference of the Dutch civilian field-deputies. His suavity of manner and extraordinary self-restraint could, however, be broken down, and there was one notable occasion on which he was carried away by a gust of uncontrollable anger in the House of Lords.[2]

The Whig leaders in the Upper House were the celebrated Junto. One of them calls for only the briefest comment here, because his talents were not parliamentary, however useful he may have been in other ways to his party. This was Edward Russell, Earl of Orford, whose prestige as a member of an illustrious house, and as the victor of La Hogue, was tainted by obvious faults of character, for he was essentially a man of a low type, a self-seeker, ambitious, and never satisfied, bad-tempered and untrustworthy.[3] More important was Thomas, Baron, subsequently Earl and then Marquis of Wharton. To his friends Wharton was 'honest Tom', a shining 'example of the most *publick spirit* and *truest love* of our Country, that is to be met with in the *British* History'.[4] To his enemies he was a veritable Clodius or Verres, 'the most universal villain',[5] or again:

> A monster, whom no vice can bigger swell,
> Abhorr'd by Heaven, and long since due to Hell.[6]

Wharton did not mind abuse. He could repay—and with interest, for he had a ready and a brutal tongue—and, according to Lord Dartmouth, 'the most provoking, insolent manner of speaking that I ever observed in any man, without any regard to civility or truth'.[7] Infamous in his younger days as one of the most dissolute members of Charles II's

[1] See W. Seward, *Anecdotes of Some Distinguished Persons* (4th ed. 4 vols., 1798), vol. ii, p. 260.

[2] *Infra*, p. 91.

[3] See *Faults on Both Sides*, a pamphlet of 1708, p. 18.

[4] See Dedication to *Memoirs of the Life of Thomas, late Marquis of Wharton* (1715).

[5] So Swift, *Works*, vol. ix, pp. 69, 178; vol. x, p. 28.

[6] *The Character of a Certain Whigg* (1712: in Brit. Mus. 11630 h.).

[7] Burnet, vol. ii, p. 431, foot-note by Dartmouth.

dissolute court, he had by the time of Queen Anne's accession grown into a keen politician, a formidable debater in the House of Lords, and a consummate master of the art of electoral bribery and corruption. His coarse joviality was an asset as valuable as his long purse in winning over many a flattered and obsequious countryside to the interests of his party.[1] Posterity will forgive much to one possessed of a sense of humour, and certainly Wharton could be very amusing.

A third member of the Junto, Charles Montagu, had already had a most distinguished career before he entered the Upper House in 1700 as Baron Halifax. He had given evidence of his intellectual gifts at Cambridge, where he was a pupil of Isaac Newton, with whom he maintained a lifelong friendship; he had evinced his literary tastes as the patron of such men of letters as Congreve, Addison, and Prior; as Chancellor of the Exchequer he had made a permanent reputation as a financier, and his name is inseparably connected with the foundation of the National Debt and of the Bank of England. He proved a powerful reinforcement to the Whig strength in the House of Lords by reason of his great business knowledge and experience and his gifts as a debater.

Greater than Halifax—indeed one of the two or three greatest Englishmen of his time—was John, Lord Somers. His whole life since the day when he first came into prominence as a pamphleteer in favour of the Exclusion Bill had been devoted to the advocacy of Whig principles. He had been one of the counsel for the Seven Bishops; he had been one of the most powerful exponents in the Convention Parliament of the view that James II's flight from his kingdom amounted to abdication; the committee which drew up the Bill of Rights had sat under his direction. Under William III he had shown himself a wise and luminous judge, a Lord Chancellor second to none of his predecessors.

[1] E. R. Wharton, *The Whartons of Wharton Hall* (Oxford, 1898), p. 34. See also Swift's *Short Character of Thomas, Earl of Wharton* (*Works*, vol. v, pp. 1–28); *Memoirs of the Life of Wharton*, with his speeches and a character by Sir R. Steele (2nd ed., 1715).

LORD CHANCELLOR SOMERS

From J. Smith's engraving after the painting by Jonathan Richardson

Sureness of judgement, a broad-minded and statesmanlike outlook were characteristic of his attitude towards both legal and political questions.

'He was', says Burnet, 'very learned in his own profession, with a great deal of learning in other professions, in divinity, philosophy, and history. He had a great capacity for business, with an extraordinary temper; for he was fair and gentle, perhaps to a fault, so that he had all the patience and softness, as well as the justice and equity becoming a magistrate.'[1]

Tory venom against the Whig leaders had led to his impeachment in 1700, and though he had been acquitted, William had found it expedient to dispense with his services; by Anne he was never liked, and he held office in her reign (as President of the Council) for barely a couple of years. He was nevertheless one of the great figures in the House of Lords, by virtue of the inherent power of his personality and also because he was incomparably the greatest lawyer of that assembly during the reign.[2]

Charles Spencer, Earl of Sunderland, belonged to a younger generation than the other members of the Junto, but despite his youth he had great influence. He was the son-in-law of Churchill, he was possessed of immense self-confidence and ambition, and he seemed likely to become the chief inheritor of the power and authority of the Junto. For a short while in the early years of George I there was a danger of his supremacy. Sunderland seems to have been a thoroughly disagreeable person. The son of the ambiguous and serpent-like statesman who betrayed James II, he had at least the virtue of outspokenness. He could be as bald and brutal in utterance as Wharton himself, and he saw to it that no one could be in any doubt as to his principles. For he prided himself upon his advanced ideas, was

[1] Burnet, vol. ii, pp. 107–8. Cf. *ibid.*, note by Speaker Onslow: 'And in all parts of philology, with the best taste of any man of his age, and the most correct judgement in the best authors of antiquity, as well as of later times, and was himself one of the greatest writers in the English language.'

[2] There is no really adequate life of Somers. There is an *Account of the Life and Writings of Lord Chancellor Somers*, by H. Maddock (1812), and there is one by John, Lord Campbell in his *Lives of the Lord Chancellors* (8 vols., 1845–69), vol. iv.

indeed an avowed republican and delighted in ridiculing the hereditary nobility, to which he himself belonged. He was not a man likely to inspire affection in any one, and Queen Anne, to whom it seems he was gratuitously rude, abhorred him.[1] This unpleasant personage had certain redeeming features. He was something of a scholar, he was vigorous and independent in thought and action, and he had certainly unusual abilities.

The protagonist of Whig principles on the episcopal bench was Gilbert Burnet, Bishop of Salisbury. As time went on, Burnet gave more and more of his thought and attention to politics. He attended almost all the most important debates of the House of Lords during the reign of Anne, and he is one of the most voluminous of our authorities upon its proceedings. But with a strong desire to be unbiased and an even stronger conviction that he in fact was so, Burnet revealed as he grew older an increasing addiction to party animus, found it harder and harder to believe that any one could be a true man and yet a Tory. A tendency to violent partisanship is apparent during the reign of Anne both in his speeches and in his narrative of contemporary events in his *History*. Latterly he became consumed by apprehensions of a Jacobite restoration and a revival of Popery. He endeavoured to convey his alarms to the Queen, predicting her own murder and the raising once more of the fires of persecution in Smithfield; but the Queen appears to have remained unperturbed.[2] There was something in Burnet not a little preposterous, so inordinate was his self-satisfaction, so much credulity was there in his otherwise robust intelligence. He was thoroughly well hated by his political opponents. The High Churchmen, whom he chose to regard as affiliated to the abhorred Papists, felt a hearty animosity towards this broad-minded Scottish bishop, whose theology they really could not believe to be sound. At all events it was a good party stroke to dub him a Presbyterian, a

[1] Cf. Burnet, vol. ii, p. 552, note by Dartmouth: 'The queen said, lord Sunderland always treated her with great rudeness and neglect, and chose to reflect in a very injurious manner upon all princes, before her, as a proper entertainment for her.'

[2] Burnet, vol. ii, pp. 547–8.

Socinian, a foreign meddler in the English people's public affairs. He laid himself open to such charges: for he was unquestionably a tactless, inquisitive busybody, and while a genuine latitudinarian in thought he was exceedingly dogmatic in utterance.[1]

Such were some of the most notable actors in the House of Lords when the curtain rose upon the new reign. The same hostility which had marked the relations between the two Houses under William III, especially after the Treaty of Ryswick, was still in evidence. It continued to be the distinguishing feature of parliamentary history up to 1705. Hopes that the general election of July 1702 would produce 'a true Church of England parliament' were in the main realized, and the constituencies returned a strong Tory majority to the House of Commons of about double the Whig strength.[2] In the other House there was a slight Whig majority. Tory animus against the late sovereign and his compatriots was revealed by a resolution in the Commons congratulating the Queen upon Marlborough's successes in Flanders in 1702, which in speaking of this commander having 'signally retrieved the honour and glory of the English nation', was obviously intended to reflect upon William's memory.[3] It was also made manifest in a bill introduced in the Lower House allotting Prince George of Denmark the large income of £100,000 a year in the event of the Queen's death. It was quite gratuitously moved to insert in this measure a clause exempting the Prince from any disabilities falling upon aliens by reason of the Act of Settlement. The intention was to suggest that disabilities imposed by that Act could be regarded as retrospective, and that therefore express exemption from its penalties was

[1] The admirable standard *Life of Bishop Burnet* is by T. E. S. Clarke and H. C. Foxcroft (Cambridge, 1907).

[2] *Cowper MSS., H. M. C., 12th Rept.*, app., pt. III. Sir Nathan Wright to T. Coke, July 25, 1702; Burnet, vol. ii, pp. 333–4. There had already been a slight difference between the Houses over the Succession Act Explanation Act, introduced in the last Parliament of King William, which was not immediately dissolved on his death, the Lords wishing to enable Quakers to 'affirm' instead of taking the prescribed adjuration oath. See *MSS. of the House of Lords*, New Series, vol. v, No. 1756.

[3] Burnet, vol. ii, p. 334.

necessary. Thus, the offices and the estates held by the Dutch peers whom William had created were threatened.[1] The clause was adopted in the House of Commons, but when the bill came before the Peers it met with determined opposition, not only from those who were directly affected, but also from others, who saw in the clause a menace to the security of property. The attack was led by the Earl of Sunderland, who urged the legitimate constitutional objection that the clause was a 'tack', i.e. it introduced into a finance measure, whose amendment by the Peers the House of Commons would not tolerate, foreign and contentious matter. The Queen took a keen personal interest in the success of the measure, and her Ministers, especially Godolphin, Marlborough, and Harley, were anxious to do all they could to secure its acceptance. Eventually, on the judges giving it as their opinion that the properties of the Dutch peers could not be touched, the bill passed by the narrow majority of four votes. The Whig leaders inserted in the *Journals* a strong protest against the passing of the bill. Anne nursed the keenest resentment against the signatories for their conduct in this matter.[2] To protect the interests of the Dutch peers still more securely the Lords introduced an Act of Settlement Explanation Bill, but this was thrown out in the Commons on the second reading.[3]

More serious disagreements between the Houses took place over what may be termed the Ranelagh-Halifax case, over the Scottish plot, and over the question of Occasional Conformity.

A commission appointed by the House of Commons to investigate the Public Accounts, which consisted of Henry St. John and six other Tories, brought serious charges of

[1] The Duke of Schomberg; Bentinck, Earl of Portland; Keppel, Earl of Albemarle; Zuylestein, Earl of Rochford; Auverquerque, Earl of Grantham.

[2] On this Bill see *MSS. of the Duke of Portland* (*H. M. C., 15th Rept.*, app., pt. IV), vol. iv, p. 52. Godolphin to Harley; Narcissus Luttrell, *Historical Relation of State Affairs, 1678–1714* (6 vols., Oxford, 1877), vol. v, p. 259; *Complete Protests*, vol. i, pp. 163–4; *L. J.*, vol. xvii, p. 247.

[3] *H. L. MSS.* (N.S.), vol. v, No. 1884. The Bill was first read Jan. 12, 1702/3, *L. J.*, vol. xvii, p. 236; thrown out in the Commons, *J. C.*, vol. xiv, p. 115.

irregularity against the Earl of Ranelagh, an Irish peer and member of the House of Commons, who had been Paymaster-General of the Army under James II and William III, as the result of which on February 1, 1702/3, he was expelled from the Lower House.[1] The Commissioners next proceeded to make accusations against Halifax and Orford, and laid their conclusions before the Lords. The latter straightway heard Halifax upon the subject, and referred it to a Select Committee of its own under the Duke of Somerset, which, after examining certain Treasury officials, issued an interim report exculpating Halifax. This they did with the knowledge that in the meantime the Commons had resolved that Halifax had been guilty of a breach of trust and had addressed the Queen praying her to order his prosecution by the Attorney-General.[2] Not unnaturally the Commons were incensed at the action taken by the Peers. They demanded a conference, at which their representatives asserted, first, that the Upper House had no authority where the Public Accounts were concerned; second, that their committee had prejudged a case not yet formulated. The Lords' counter-argument was that their proceedings had been in no way judicial, that Halifax was as much open to prosecution as he had been before, but that finding a resolution of the Commons which reflected upon a member of their House, 'they had thought fit to give their opinion, which they did in their legislative capacity'. The managers for the Commons were not satisfied with this explanation. The Lords could not at will divest themselves of their judicial authority in a case of this description; their 'opinion' was tantamount to a verdict where as yet there had been no formal accusation.[3] When the report of their managers at this conference was considered, the Lords justified their own conduct, and complained of the language used by the Commons as 'altogether unparliamentary, tending to destroy all good correspondence between the Houses, and to the

[1] See the Hon. J. W. Fortescue, *History of the British Army*, vol. i, pp. 408–10.

[2] Luttrell, vol. v, p. 438.

[3] *L. J.*, vol. xvii, p. 294; *P. H.*, vol. vi, 153.

subversion of the constitution'.[1] They also drew up an address to Her Majesty vindicating their conduct, while they took the unusual course (already adopted by them, however, in connexion with the first Occasional Conformity Bill of the reign) of printing a public record of their transactions.[2]

The persistent disagreements between the two Houses on these two questions led to a prorogation on February 28, 1702/3. The Court party were dissatisfied with the progress of the session. Numerous and powerful in the country and in the House of Commons they had been repeatedly baulked in the Upper House, though as a rule by an exceedingly narrow majority. To improve their position there they prevailed upon the Queen to create four new Tory peers, and John Granville, Heneage Finch (who took the title Lord Guernsey), John Leveson-Gower, and Seymour Conway were created barons. But the influence of the Duchess of Marlborough was sufficiently strong to secure the elevation at the same time of one Whig, Hervey, the father of the celebrated chronicler of the Court of George II.[3] The net gain to the Tories was therefore only three. This attempt to aggrandize a political party by means of creations to the peerage was too trifling to be of much practical value.[4] An

[1] See *H. L. MSS.* (N.S.), vol. v, p. 193 *n.*

[2] See *infra*, p. 54. *The Proceedings of the Lords Spiritual and Temporal . . . upon the Observations of the Commissioners for taking, examining, and stating the Public Accounts of the Kingdom. Somers Tracts*, vol. xii, pp. 395–8.

[3] See *An Account of the Conduct of the Duchess of Marlborough* (1742), pp. 297–300.

[4] See Burnet, vol. ii, pp. 344–5: 'Great reflections were made upon this promotion. When some severe things had been thrown out in the house of commons upon the opposition they met with from the lords, it was insinuated, that it would be easy to find men of merit and estate to make a clear majority in the house; this was an open declaration of a design to put everything in the hands and power of that party; it was also an encroachment on one of the tenderest points of the prerogative, to make motions of creating peers in the house of commons.' See also W. T. Morgan, *English Political Parties and Leaders in the reign of Queen Anne* (Yale Univ. Press, 1920), p. 71: 'Nothing has ever been made of this precedent. It is really surprising that so much is made of the dozen creations in 1711 and so little of the making of five in 1703, when the purpose in each case was identical—to destroy the Whig power in the House of Lords, or, to be more accurate, to give the Tories a working majority there.'

addition of three or four members in an equally divided assembly of nearly two hundred members will not produce a working majority. The truth is that the device of utilizing the royal prerogative for purely party purposes, attractive as it was, was as yet too much of an innovation to be embraced with confidence.

In the next session history repeated itself. The Accounts Commissioners formulated new charges, this time primarily against Orford; the Lords appointed another committee and exculpated Orford.[1] A bill for continuing the Accounts Commission being sent up from the Lower to the Upper House, the Lords introduced amendments, their object being to secure the nomination on the commission of at least one person not a member of the House of Commons, for the Commons had refused to allow the commissioners, as members of their House, to give evidence before the peers, and the latter had found this a practical inconvenience.[2] Owing to the failure of the Chambers to agree on this point the bill was lost.[3]

A party difference between the Houses is no doubt one explanation of the quarrel over the affair of the Accounts Commission, as it was the cause of the refusal of the Lords to accept a Qualification of Members Bill emanating from the Commons, which sought to provide 'that no persons shall be chosen Members of the House of Commons, but such as have sufficient real estates', a measure which the Whig peers regarded as simply an instrument for the aggrandizement of the Tory party.[4] On the other hand, we can

[1] *L. J.*, vol. xvii, pp. 512–23; *C. J.*, vol. xiv, p. 374.

[2] See *H. L. MSS.* (N.S.), vol. v, p. xi *n.*

[3] On the whole Ranelagh case see A. Boyer, *The History of Queen Anne* (1735), pp. 43–7.

[4] *H. L. MSS.* (N.S.), vol. v, No. 1898. The Houses also disagreed upon a bill 'for enlarging the time for taking the oath of abjuration', *ibid.*, No. 1897, in which the Whig Lords detected a design to free Jacobites from the necessity of taking the oath required by 13 & 14 William III, c. 6. They inserted among others an amendment securing that no person who had been ousted from office owing to neglect to take the oath should be reinstated in virtue of this Act. The Whig peers contrived to bring the broad issue of the Succession to the front in their discussions, and as on this ground they could not be challenged the Commons had perforce to accept their amendments.

hardly fail to discern in this case the same instinct to defend its own members against attack from without which the House had shown in connexion with the impeachments of the Whig leaders in the late reign, and the existence of this corporate feeling is also evinced in the serious collision between the Chambers in December 1703 over the revelations connected with the plot of Simon Fraser, a Jacobite agent holding a commission in the Pretender's army. It has to be remembered that this quarrel arose at a time when the relations between the Houses had been exacerbated by the Lords' rejection of the second Occasional Conformity Bill, and that its later stages were contemporaneous with the much more important conflict over the case of *Ashby* v. *White*.

The relevant facts regarding the Scottish plot are briefly as follows. Fraser came into Scotland bearing a letter from Mary of Modena which he personally addressed to the Marquis of Atholl. He showed the letter, with this superscription, to the Duke of Queensberry, the Queen's commissioner to the Scottish Parliament. Atholl was a political opponent, and Queensberry reported the matter to the Government. Atholl indignantly asserted that the Duke was plotting against him and that Fraser was actually in Queensberry's employ. There was the awkward question : was Queensberry tainted with Jacobitism or was he employing Jacobite hirelings in order to beguile his enemies ? In either event the circumstances had an ugly appearance, and the Government was suspected of seeking to hush up the whole affair.[1]

The examination of the principal witnesses—the notorious Ferguson, ' the plotter ', a certain Sir John Maclean, and two suspected Jacobites seized on the coast of Sussex—was undertaken by Nottingham as Secretary of State. The Whig peers, glad of an opportunity to display their enthusiasm for the Protestant succession and to ingratiate themselves with the Queen, were keen to take action. Suspicious of the Government as a whole, and especially of Nottingham,

[1] For the facts in connexion with the Scottish Plot see Burnet, vol. ii, pp. 371–8 ; Boyer, pp. 104–17 ; *Somers Tracts*, vol. xii, pp. 433–61.

they induced the House of Lords to undertake an independent investigation, and thus to draw the whole matter into the full light of publicity.[1] The Queen declined to allow the House to examine Maclean, on the ground that 'it would be inconvenient to take it out of the method of examination it was now in', but there being no royal prohibition with regard to the other two suspects Ogilvy and Boucher, the House ordered them to be taken into custody and appointed a committee of inquiry.[2]

The Commons came promptly to the support of the Government, and expressed the highest indignation at the Peers' conduct in taking 'her Majesty's prisoners into their custody without her Majesty's leave'. Having, 'in a most extraordinary manner, taken the examination of the witnesses solely to themselves', they had been guilty of a breach of prerogative.[3] So the Commons informed the Queen in an address which they made to her on the subject. Apart from the rights and wrongs of the Lords' conduct, there is the question of the Commons' action in virtually appealing to the Crown against the other House, when the parliamentary method in cases of disagreement between the Chambers was to have recourse to a conference. Such a proceeding was not at all calculated to produce amity. It is of interest as yet another indication of the zeal of the politicians to win the Queen's favour. If this was the motive of the Commons' address, it had also been the motive of the Lords' enthusiastic activity in instituting their independent investigations. They now followed the Commons' precedent of appealing to the throne by a formal Representation.[4]

They complained of the 'very harsh and indecent' expressions used by the Commons—such as had never been used by the House of Peers in any age, not even by that

[1] See *H. L. MSS.* (N.S.), vol. v, No. 1945.
[2] *L. J.*, vol. xvii, pp. 348, 351.
[3] *C. J.*, vol. xiv, pp. 259–60.
[4] *L. J.*, vol. xvii, pp. 371–4, 376; *P. H.*, vol. vi, 180–9; Burnet, vol. ii, p. 374. 'This address was drawn up with the utmost force, as well as beauty and decency of style; and was reckoned one of the best pieces of its kind that were in all the records of parliament.'

assembly which, under the name of the House of Commons, took upon them not only to abolish the House of Lords, but to destroy the monarchy'. The opinion which had been expressed by the Commons was dangerous, because it tended 'to the rendering ill ministers safe from the examination of parliaments'. It was certain that House had undertaken such examinations in the past, and that no future House of Commons would agree to the abandonment of the right of doing so. As to the suggestion that the Lords' action had been an infringement of the prerogative, there was not a particle of evidence for it. The Queen having specifically excepted Maclean from their inquiry was proof that she acquiesced in their examination of the other two witnesses. The Lords had, 'in all times, been the surest and most natural bulwark of the prerogatives of the Crown'. As to the Commons' abandonment of the customary procedure by method of joint conference for that of address to the Crown, 'Nothing like this was ever done before, and out of our hearty concern for the preservation of our happy constitution, we hope the same will never be done again.'

In answer to the Representation the Commons drew up a second address. They now twitted the Peers with having made use of 'reflections and insinuations, more harsh and more odious than the most opprobrious language', and with having arrogated to themselves 'the name of Parliament'—the latter a most frivolous charge, which not even the most casual perusal of the Representation could have justified—and they insinuated that the peers were combining 'to defend one another from inquiries and prosecutions', and that they were raising 'unreasonable jealousies and fears' by the allegations in their Representation.[1]

On February 29, 1702/3, the Commons passed a resolution, communicated to the Queen, that 'she will be pleased to resume the just exercise of her prerogative' by the investigation of the conspiracy, assuring her of their readiness to defend her against those concerned in the plot, 'and all other conspirators whatsoever', and declaring that the Lords' attempt to undertake a *sole* examination into the

[1] *C. J.*, vol. xiv, pp. 343–5. Feb. 18, 1703/4.

plot ' is of dangerous consequence, and may tend to the subversion of the government '.[1]

In the meantime the Lords' committee had been carrying out its inquiries, and had come to the conclusion that essential evidence was being held back by Nottingham. Upon its reporting to the House to this effect a motion was propounded to send for and interrogate Maclean, but this was lost by 41 votes to 30. A protest against this was signed by 22 Whig peers, including the leaders of the party.[2] On March 28 the same small committee presided over by Somers, which had been responsible for the first Representation, issued a second one.[3] According to Burnet, ' this, with the other papers, that were published by the Lords, made a great impression on the body of the nation ; for the difference that was between these, and those published by the House of Commons was indeed so visible, that it did not admit of any comparison, and was confessed even by those who were the most partial to them '.[4] The new manifesto, which was for the most part a recapitulation of the first, declared that had the Commons shown a proper zeal in regard to the Scottish plot there would have been no trouble ; ' if, when they are told of conspiracies from the throne, they will concern themselves so little as to leave the inquiry to others, the Lords must of consequence be the sole inquirers, or else parliaments will be totally excluded from such examinations.' Appended to the Representation was a list of thirty-seven precedents taken from the Lords' *Journals*, twenty from those of the Commons.

The Peers concluded their proceedings relative to the Scottish plot by an address, in which they indicated their view that the moral to be drawn from the conspiracy was the imperative need of a settlement of the succession in Scotland, and by the publication of a complete record of their transactions, i.e. a deliberate appeal to the bar of public opinion.[5] ' I have carefully read over all the papers

[1] *Ibid.*, p. 362.
[2] *Complete Protests*, vol. i, pp. 169–70.
[3] *L. J.*, vol. xvii, pp. 538–49 ; *P. H.*, vol. vi, 199–208.
[4] Burnet, vol. ii, p. 378.
[5] A proposal to copy this procedure was only defeated in the Commons by the Speaker's casting vote—Nov. 3, 1703. See C. van Noorden, *Euro-*

in print about this plot', wrote the great Lord Hardwicke, 'and am clear that the lords' resolution was well founded.'[1] It must be admitted that on both issues—the right to make separate examination, and the action of the Commons in moving by address instead of joint conference in a parliamentary quarrel—the Lords had the best of the argument. The simple explanation of the whole trouble, according to Burnet, was that 'the commons were in an ill-humour against the lords, and so they were glad to find occasion to vent it'.[2]

The contention over the Scottish plot was a mere episode of parliamentary domesticity, that over the question of occasional conformity was of far wider interest and importance. It is not surprising that attempts should have been made to suppress the practice of occasional conformity, which was not easily reconcilable with a sensitive conscience, and which was clearly in conflict with the principle underlying what was, rightly or wrongly, the law of the land. The source of the whole trouble was the fact that the Toleration Act had been essentially a half-measure, a practical compromise because it reflected the divided opinion of the time, yet with the defects of all compromises. But with the general question of religious toleration party politics were inextricably entangled. 'The Dissenters', it has been said, 'were mere pieces upon the chess-board of faction', and it has been maintained that the Tories who promoted the 'Occasional Bills' were more tolerant than the Whigs who opposed them, that these bills were looked upon simply and solely as 'a sort of party registration'.[3] This is the view of Lord Dartmouth. 'This impertinent bill', he

päische Geschichte im achtzehnten Jahrhundert (3 vols., Düsseldorf, 1870), vol. i, p. 483.

[1] See foot-note to Burnet, vol. ii, p. 378.

[2] Burnet, vol. ii, p. 373. See Morgan, p. 96. 'The outcome of the struggle was indecisive, but the Lords are usually thought to have gained popularity by their publication of the precedents in the case.'

[3] W. Sichel, *Bolingbroke and His Times* (2 vols., 1901–2), vol. i, pp. 167–75 *passim*. Cf. 'The real significance of these bills has been constantly misread. . . . In reality tolerance, as we now understood it, was never at stake. . . . Persecution was not the motive of these bills, nor were the dissenters a downtrodden body.'

writes, referring to the original measure, was introduced 'without further design than to expose the dissenters and show what rogues they were.' Again: 'Nobody besides the bishop of Salisbury pretended to justify the practice, and nobody besides the earl of Nottingham thought it would signify anything for the end proposed. . . . But it was afterwards frequently taken up to inflame and distress the court, as opportunities offered themselves to either side.'[1] Unquestionably motives of faction were uppermost with many of the protagonists on either side, but we must not ignore the fact that there were on the one side honest Tories, who held firmly to the theory of the coextensiveness of the English Church with the English polity, and who entirely disbelieved in 'the toleration', and, on the other, honest Whigs, who were unfeignedly attached to toleration on grounds of principle. Had it not been for the existence of a genuine conflict of religious ideals, the religious issue would have afforded no opportunity for the game of faction.

The bill which the Court party introduced into the House of Commons on November 17, 1702, and which, having passed through all stages there by large majorities, reached the Lords on December 2, aimed at preventing the practice of occasional conformity by two main stipulations—the first, that any person who after having taken the sacrament for test purposes subsequently attended a Dissenting service at which more than five persons were present, should be fined £100 and an additional £5 for every subsequent day on which he performed the duties of his public employment; the second, that any person so offending should be debarred from holding any further office until after a year's conformity to the usages of the Church of England, while relapse was to be punished by double the original penalties.[2]

There was no prospect of the bill emerging from the House of Lords without radical reformation. The passing flows and eddies of public opinion and passion might be reflected in the Lower House, whose present members had

[1] Burnet, vol. ii, p. 336 *n.*

[2] The original text of the bill and the amendments subsequently offered are printed in *P. H.*, vol. vi, 61–8.

been returned at an election when High Church feeling had been strong, encouraged by the accession of a princess known to be deeply devoted to the welfare of the Church of England; but in the other Chamber there was no such sensitiveness to transient phases of popular thought or emotion. That House was essentially the same as it had been when in 1689 it approved the Toleration and Comprehension Bills. There is no doubt that the majority of its members would have liked to throw out the 'Occasional Bill' altogether, but in view of the state of public excitement they shrank from taking so drastic a step. The point of view of the opponents of the measure has been summarized by Burnet, who led the attack upon it. Some, he tells us, were actuated by their memory of the nefarious practices of informers at the time of the Popish plot, and would not consent to 'the reviving such infamous methods'; others by the idea that the design of the measure was to create embroilment at home, so as to weaken our arms abroad; others by the belief that what was aimed at was a remodelling of the corporations and a gradual destruction of the toleration.[1]

The part played by the Bishop of Salisbury and his latitudinarian brethren met with strong criticism. How could a cleric be sincerely devoted to the sacraments of the Church of England and yet acquiesce in the hypocritical and irreligious misuse of them? For bishops to oppose the bill was to 'dismantle their own garrison, throw down their own barracks'.[2] Such reproaches, reflected Burnet with sententious resignation, 'all moderate men must expect, when they oppose violent motions. . . . Having this quiet within ourselves, we must bear the cross, and submit to the will of God.'[3]

While the latitudinarian bishops were concerned on the question of principle, the majority in the House of Lords were not disposed to challenge public opinion directly on

[1] Burnet, vol. ii, p. 337.

[2] From a satirical pamphlet by a High Churchman, entitled *The Presbyterian's Plea. Somers Tracts*, vol. xii, p. 219.

[3] Burnet, vol. ii, p. 338.

the toleration issue. They introduced tactical amendments intended indirectly to wreck the bill, and they deliberately invoked an irrelevant constitutional issue. It was nothing that they added a new clause exempting French and Walloon Protestant communities from the operation of the Act,[1] but it was a radical proposal to suggest that the Act should be made to refer only to offices of State and not to members of corporations,[2] seeing that it was mainly for the sake of entering corporations that the device of occasional conformity existed. The latter alteration was indeed so fundamental that the Lords preferred not to enter into the inevitable conflict with the Commons on this question and shifted the battleground by a further amendment, which altered the amount of the fines imposed by the bill. This, as they well knew, was what the Commons called 'meddling with money', and they ostentatiously paraded a formidable list of precedents from the time of Henry VIII onward in justification of their claim to alter fines imposed in bills.[3]

The Commons stated their inability to accept the majority of the Lords' amendments, and three free conferences, the most important on January 16, failed to produce any agreement. When the critical question arose whether the House of Lords should in these circumstances adhere to its amendments, the outcome was doubtful. Prince George of Denmark, at his wife's behest, came to record his vote against the amendments, though he was himself a Lutheran and an occasional conformist, and is said to have whispered to Wharton, 'My heart is vid you.'[4] The amendments were vigorously supported by Tenison and by Wharton himself, whose assiduity in fighting the Occasional Bills was so great as seriously to affect his health.[5] In the end, in a very full

[1] For petitions of French and Dutch Dissenters see *H. L. MSS.* (N.S.), vol. v, No. 1854.

[2] To omit all reference to 'any mayor, alderman, recorder, bailiff, town-clerk, common council-man, or other person bearing any office of magistracy or place of trust, or other employment relating to or concerning the government of the respective cities, corporations, boroughs, cinque ports'.

[3] *L. J.*, vol. xvii, pp. 192–5. The precedents are given on pp. 206–30.

[4] Tindal, *The Continuation of Mr. Rapin's History of England* (1783), vol. iii, p. 452.

[5] *Memoirs of Wharton*, p. 38.

House, there being over 130 present, 'the greatest number that had ever been together', the voting was exceedingly close; but the upshot was that the House maintained its ground, and the bill was accordingly dropped.[1] Among the minority were Marlborough and Godolphin, who, for the sake of maintaining their credit with the Queen and with the Tories, sacrificed their consciences and voted for a measure of which they disapproved.[2]

Both Houses ordered that a report of their proceedings should be printed. It is instructive to note that six peers protested against this action, 'because the printing of Bills, and the proceedings on Bills, was never done, and therefore is unparliamentary. It is an appealing to the people, and giving them a pretence of right, to examine and judge of the Parliament, which otherwise would be unlawful: and this practice may be of pernicious consequence to the peace of the Kingdom, and highly derogatory to the honour and dignity of the House of Lords.'[3] This is a striking exemplification of the narrow and exclusive view, common in the eighteenth century, of the rights and functions of Parliament, and there is no more interesting feature of the quarrels between the Houses in the years 1702 to 1704 than that they fostered a desire for publicity despite the prejudice against it.

In the next session the Tories in the Lower House, encouraged by the slight accession to their party's strength among the Peers as the result of the creations during the recess, made a second attempt to put down occasional con-

[1] Burnet (vol. ii, p. 338) says that in three different divisions there was a majority of one only—a different person in each case. But this is not accurate. The actual votes were, for adhering to the first amendment, 65 (including 10 proxies) to 63 (including 14 proxies); for adhering to the second, fourth, and fifth amendments 55 to 49 (no proxies). The third amendment was dropped, the votes being equal. Adherence to the remaining amendments was carried without a division. *H. L. MSS.* (N.S.), vol. v, p. xiii *n.*, Luttrell, vol. v, pp. 258–9.

[2] See W. Coxe, *Memoirs of the Duke of Marlborough* (Bohn's ed., 1905, 3 vols.), vol. i, pp. 145–6: 'They did not . . . gain their object; for in the pamphlets of the day we find them accused of duplicity, and charged with defeating the measure by their lukewarmness and indirect solicitations.'

[3] *L. J.*, vol. xvii, p. 314; *Complete Protests*, vol. i, p. 168.

formity. But the Queen was no longer wholly with them, and words in her speech on the opening of Parliament expressing her wish that its members should 'carefully avoid any heats and divisions', were, says Burnet, 'understood as an intimation of her desire that there should be no further proceedings in the bill against Occasional Conformity.[1] Some of the Tory hot-heads—Highfliers as they were called—wished to prevent the rejection of a new measure by the Lords by 'tacking' it on to a money bill. Anne looked with disfavour upon this project. Her confidant, the Archbishop of York, while believing in the prevention of occasional conformity, disapproved of this design and used his influence in the other House against it.[2] Marlborough also caused the Queen's feeling upon the subject to be known, and the expedient was dropped.[3]

The bill, which was a replica of its predecessor save for one or two slight modifications,[4] passed its third reading in the Commons on December 7, 1703, by 223 to 140. The principal debate in the Lords took place on the motion for the second reading. Devonshire, Pembroke, Wharton, and Mohun took a prominent part in the opposition to the bill, but Burnet was once more the protagonist. He denounced the bill as a Jacobitish, papistical device to weaken the nation's war effort by creating civil discord; but he also argued the general question of toleration. Liberty of conscience, he contended, was one of the original rights of human nature, antecedent to society. The greatest blot upon former reigns from that of Edward VI down to that of James II had been the persecuting spirit. It was inconsistent to look with favour, as the Tories now appeared to be doing, upon the rabid out-and-out separatist and proscribe the occasional conformist. He defended the occasional conformists, who, as he said, were very numerous in his own

[1] Burnet, vol. ii, p. 362. [2] *Life of Sharp*, vol. i, pp. 305–6.

[3] See Van Noorden, vol. i, p. 472.

[4] See *H. L. MSS.* (N.S.), vol. v, No. 1942. Namely, a reduction in the amount of penalty, and the incorporation of one of the Lords' amendments to the former bill, which required that information against an occasional conformist must be tendered within ten days of the offence by at least two credible witnesses and before a judge or justice of the peace.

diocese. He confessed that he had himself been an occasional conformist—at Geneva and in Holland. 'I thought their churches were irregularly formed, under great defects in their constitution, yet I thought communion with them was lawful, for their worship was not corrupted.'[1] Other speakers kept on a lower plane. Lord Mohun 'did not stick to say, that if they passed this bill, they had as good tack the pretended Prince of Wales to it'.[2] Another opponent of the bill was John Thompson, first Lord Haversham, a remarkable character, who, though devoid of personal merit and without official position, contrived to play a prominent part in the proceedings of the House during the reign. He had some republican leanings—his father and his uncle had been Cromwellians—and in religion he was a Presbyterian. He had been a discontented Whig in the former reign; in the present one he somehow succeeded in developing into a discontented Tory. Short, red-faced, fiery and passionate, he was always turbulent. To whichever party he happened to be attached, he was for ever talking, and he contrived to be in the limelight whenever there was a chance of creating trouble.[3] On the present occasion his chief argument was that 'the persons affected by this bill are such as have always been serviceable to the Government, and are some of the best friends to it'.[4]

The motion to reject the bill was carried by 71 to 59, among the latter being Godolphin and Marlborough, who actually joined in signing the protest against rejection although they disbelieved in the bill, so anxious were they lest they might forfeit favour at Court.[5]

In November 1704 the project was revived yet again.

[1] Burnet, vol. ii, p. 364. See also *P. H.*, vol. vi, 157–65, esp. 163.

[2] See Tindal, vol. iv, p. 167.

[3] See *Account of the Conduct of the Duchess of Marlborough*, p. 151. 'A great speech-maker, a publisher of his speeches, who was become the mouth of the party for any extraordinary alarm.' See also Sichel, *Bolingbroke*, vol. i, p. 221, and Macky, p. 104. See the *Life, Birth, and Character of John, Lord Haversham* (1710), and *The Memoirs of John, Lord Haversham* (1711), to which his speeches are appended.

[4] *P. H.*, vol. vi, 165.

[5] Dec. 14, 1703. *L. J.*, vol. xvii, p. 348. This protest has been overlooked by Thorold Rogers. There is no reference to it in his Collection.

The third and last session of Queen Anne's first Parliament had opened on October 29, and the marked difference between the party complexions of the two Houses had been reflected in their addresses: for the Upper House, while dilating upon the glorious victory of Blenheim, won the previous July, made no reference to the engagement fought by the Tories' idol, Sir George Rooke, off Malaga in August, while the Commons ostentatiously coupled the two battles, as though they were of equal significance.[1] The plan of a 'tack' was once again mooted; it was proposed to attach the 'Occasional Bill' this time to the Land Tax Bill. Bromley, the ardent High Church representative of the University of Oxford, assuaged the qualms of those who doubted the wisdom of this plan. 'The great necessity there was for the money bill's passing, was rather an argument for than against the proceeding. For what danger could there be, that the Lords, who pretended to be such patriots, should rather lose the necessary supplies, than pass an act as requisite for the preservation of the Church?'[2] To this Sir Thomas Lyttelton answered: 'By tacking of this bill, we mean to throw a necessity upon the Lords to pass it. But suppose the Lords think fit to untack what we have tacked, and to acquaint us that they are ready to pass the money bill, but will consider of the other; whose fault will the nation account it to be, that the queen's business is retarded?'[3] Eventually the motion for the tack was defeated by 251 to 134; but the bill was carried by 179 to 131. Its fate in the Lords was a foregone conclusion. It was summarily rejected on the second reading by 71 (including 20 proxies) to 54 (including 17 proxies).[4]

[1] See the Duchess of Marlborough's complaint in her *Account of her Conduct* (1742), p. 146. 'Now, that he was thought to look towards the moderate party, his compleat victory at Blenheim was, in the Address of congratulation to the Queen, ridiculously paired with Sir George Rooke's battle with the French at sea.'

[2] *P. H.*, vol. vi, 359–60. [3] *Ibid.*, 361–2.

[4] *L. J.*, vol. xvii, p. 600. See *Somers Tracts*, vol. xii, pp. 469, 477, 482 *A True List of the Tackers, A Brief Account of the Tack, The Character of a Tacker, The Character of an Anti-Tacker.* By their conduct in pressing the tack the rabid Tories lost favour with the Queen, who turned to the moderates of both parties.

The attempt to prevent occasional conformity was thereby given its quietus for a good many years, to be resuscitated in December 1711 in strange circumstances.

More contentious even than the Occasional Conformity question was the celebrated case of *Ashby* v. *White* and its appendage, that of 'The Aylesbury Men'.[1] The matter is of such importance in the history of the relations between the two Houses that, familiar as it is, it is necessary to follow it in some detail. Matthew Ashby, an ostler, was a burgess of the town of Aylesbury. Though his right to vote had never previously been questioned, at the general election of 1702 it was disallowed by the four constables of the borough, who were the returning officers. Ashby brought an action against William White and the three other constables. The case was tried in the assize court and judgement was given against the defendants, with damages. Subsequently the matter was brought before the Queen's Bench, it being argued that the assize proceedings had been irregular, as no action could lie. Three out of four judges who heard the case took the view that all election disputes, whatever their character, were determinable only by the House of Commons; otherwise there would be an infinity of actions at common law and the lot of returning officers would be rendered unbearable. On the other hand, by far the greatest judge on the bench, Chief Justice Holt, dissented, and in a long, learned, and it may be added vehement, judgement, maintained that between the return of a member to Parliament and the right of a voter at an election there was a world of difference. The House of Commons was certainly sole judge as to the former, but the franchise was an inherent right of the forty-shilling freeholder in the county, of the holder of burgage land in the boroughs. It was a legal

[1] On the *Ashby* v. *White* case see the following: *State Trials*, vol. xiv, pp. 695–887; *Hatton-Finch Papers*, Brit. Mus. Add. MSS. 29568, ff. 153–4; R. Coke, *A Detection of the Court and State of England* (4th ed., 3 vols., 1719), vol. iii, pp. 162–3, 195; H. Broom, *Constitutional Law in relation to Common Law* (1885), pp. 848–67; T. Erskine May, *A Treatise on the Law, Privileges, and Usage of Parliament* (12th ed., 1917), pp. 57–8; Hatsell, *Precedents* (in 1818 ed.), vol. iii, App. I, pp. 247–367; Wittke, *Parliamentary Privilege*, pp. 63–71, 197; T. H. B. Oldfield, *Representative History of Great Britain and Ireland* (6 vols., 1816), vol. iii, pp. 61–77.

right, and as such it could be sustained in a court of law. Holt's judgement was a most memorable pronouncement in favour of the Common Law as against the *lex Parliamenti*.

The decision of the Court of Queen's Bench having gone against him and that of the assize court having been reversed, Ashby now appealed to the House of Lords on a writ of error.[1] In this way a technical question involving issues of serious legal and constitutional importance was brought before the Lords in their judicial capacity. The House, very properly, at once proceeded to consult its expert advisers, the judges. They asked for at least a day to consider their judgements. This reasonable request was refused; not even an hour's respite was granted. This action of the Peers subsequently came in for just criticism. The case was both intricate and weighty, it had been before the Queen's Bench for a twelvemonth, and there was no occasion for precipitancy.[2]

Of the nine judges consulted four expressed themselves unequivocably in favour of Ashby, three unequivocably against him, one rather hesitatingly against him, while one gave no definite opinion either way. Holt repeated the conclusions of his formal judgement in the Queen's Bench. The House of Commons could afford no redress. All that it could do in an election dispute was to set aside one return and admit of another, which was no effective redress for a voter deprived of his lawful vote, i.e. his property, to use the language of the time. Moreover, if he could prove that he had been wrongfully deprived of what was rightly his, he was entitled to damages, and damages were not obtainable from the House of Commons.

However, the expert advisers of the House were divided, and as to the legal merits of the case its ordinary members were not of themselves qualified to judge. Nevertheless, after a single debate—lengthy indeed, according to the standards of the day (for it lasted from 11 a.m. to 9 p.m.) [3]—

[1] Appeal to the Lords, Dec. 6, 1703. *L. J.*, vol. xvii, p. 341. Petition read, *ibid.*, p. 347. See also *H. L. MSS.*, No. 1918.

[2] So Sir G. Dolben in the House of Commons, *P. H.*, vol. vi, 293. See *H. L. MSS.* (N.S.), vol. v, p. 260.

[3] Luttrell, vol. v, p. 380.

the House decided by the large majority of 55 to 16 to accept Holt's opinion and to reverse the decision of the Queen's Bench.[1]

This decision caused intense indignation in the House of Commons, which resolved itself into a committee of the whole House to discuss the matter, and thereupon embarked on an animated debate, in the course of which the Lords' right to any jurisdiction whatever in the case was vigorously challenged. In these discussions, while the majority of members maintained the Chamber's claim of privilege, or, in effect, its claim to be a court, administering a law of Parliament, superior to the law of the land, there were certainly members who took Ashby's side and endeavoured to justify the Lords' action. Thus, a scion of the nobility, the Marquis of Hartington, averred that if judgement for the plaintiff was contrary to the privileges of the House of Commons, then ' our privilege do interfere with the rights of the people that elected us '.[2] Other speakers on the same side were Sir Joseph Jekyll, afterwards Master of the Rolls ; Mr. Cowper, afterwards Earl Cowper and Lord Chancellor ; Mr. King, also a future Lord Chancellor.[3] But the point of view of the majority was that the action of the Peers involved a most serious encroachment upon the rights and privileges of the House of Commons. Whatever the grievances of the individual, Matthew Ashby, they were imponderable in comparison with the claims of a Chamber which represented the whole people of England. The interests of the general body of the electorate were the interests also of its representatives. The Peers were no true friends to the community. Fundamentally, the issue was one between Lords and Commons—which was to prevail ? Thus Sir Thomas Powis, who had been one of the counsel for White before the Queen's Bench, put it : ' If the Peers of England can determine all our properties at law, upon

[1] *L. J.*, vol. xvii, p. 369, Jan. 14, 1703/4. Of the lawyer members of the House, Lord Keeper Wright was inclined to side with the defendants, Somers was strongly on Ashby's side. See John Lord Campbell, *Lives of the Lord Chancellors*, vol. iv, pp. 181–3, 249.

[2] *P. H.*, vol. vi, 256–7.

[3] *Ibid.*, 273, 279–85, 294–5.

Writs of Error, and all our rights in equity upon Appeals, and if they can determine our elections in consequence of this action, as I am of opinion they may, if this action prevails, they have a greater power than even that House had in the days of their noble ancestors, when they were in their greatest grandeur.' [1] Sir Edward Seymour saw in the whole affair evidence that 'the axe is laid at the root, and that they (the Lords) have a dislike of this House of Commons, and endeavour to get rid of them'.[2] The Solicitor-General, Sir Simon Harcourt, stood firmly by the principle that 'the law of Parliament is above the judges of common law'.[3] Sir Humphrey Mackworth, a redoubtable champion of the rights of the Lower House both in Parliament and in the press,[4] declared that this was no mere dispute between private parties, but 'one between Lords and Commons', not a question who has a right to a freehold, . . . but whether the Commons of England shall have any freeholds or freedom at all. . . .' [5]

As the upshot of the debate two resolutions were adopted, the first affirming the sole right of the House of Commons 'to examine and determine all matters relating to the right of election of their own members'; the second, declaring that all parties implicated in the bringing of any action at common law which concerned an electoral question 'are guilty of a high breach of the privilege of this House'.[6] No attempt was, however, made to act in the spirit of these resolutions by taking Ashby into custody.

On March 27 the Lords issued an elaborate statement of their position, supported by a list of precedents. The pith of the manifesto lies in the final paragraphs. The fundamental contention was that there was 'a great difference between the right of the electors and the right of the elected; the one is a temporary right to a place in Parliament *pro hac vice*; the other is a freehold to which a man has a right at common law'. If the only relief was to be sought in the

[1] *Ibid.*, 240–2. [2] *Ibid.*, 255. [3] *Ibid.*, 266.

[4] He had published in 1701 a vigorous pamphlet on the impeachments of the Whig Junto entitled *A Vindication of the Fundamental Rights of the Commons of England.* [5] *P. H.*, vol. vi, 285–90.

[6] *C. J.*, vol. xiv, p. 308, Jan. 26, 1703/4.

House of Commons, then was the remedy worse than the disease, for that House had no time for such proceedings and could award no damages, 'besides the absurdity of having, for the most part, the parties to the injury, those who sit by a false return, parties to the judgement.' 'That certainly can never be esteemed a privilege of parliament, that is incompatible with the rights of the people.' [1]

On the same day the Peers also passed four resolutions, in which they solemnly asserted the right of every one deprived of his vote at an election to bring an action for damages in the Queen's Bench, and declared

'that the deterring electors from prosecuting actions in the ordinary course of law, where they are deprived of their rights of voting, and terrifying attornies, solicitors, counsellors, and sergeants-at-law, from soliciting, prosecuting, and pleading in such cases, by voting their so doing to be a breach of privilege of the House of Commons, is a manifest assuming a power to control the law, to hinder the course of justice, and subject the property of Englishmen, to the arbitrary votes of the House of Commons'.[2]

The Peers ordered the Lord Keeper to send a copy of these resolutions to all the sheriffs of England and Wales, to be communicated to all the boroughs in their counties. Acting in accordance with their recently adopted policy of publicity, they then addressed to the whole electorate a scathing arraignment of its representatives. The Commons were highly incensed at this conduct. Whether their contention was constitutionally sound or not, the Peers had a most effective case. They came forward in the role of defenders of the rights of the ordinary citizen against a representative assembly unfaithful to its trust.

It so happened that the Aylesbury election case did not stand alone at this time. A slight but highly complicated suit, *Wharton* v. *Bathurst*, also involved a dispute between the Chambers as to the Peers' judicial powers.[3] It may perhaps be fairly summarized as a suit in which an appeal

[1] *L. J.*, vol. xvii, pp. 527–35; *P. H.*, vol. vi, 303–23.
[2] *L. J.*, vol. xvii, pp. 527–35; *P. H.*, vol. vi, 323–4.
[3] See *H. L. MSS.*, vol. v, No. 1874; Luttrell, vol. v, p. 235; vol. vi, p. 301.

to the Lords by Lord Wharton was held by his opponent, Sir Benjamin Bathurst, to be quite irregular, and the hearing of the appeal by the Lords to be in consequence tantamount to the assumption of an original jurisdiction. On January 30, 1703/4, Bathurst presented a petition to the House of Commons making this objection. The House supported him with alacrity, and passed two resolutions, which condemned the Lords' action as 'without precedent, and unwarrantable', and tending to 'the subjecting the rights and property of all the Commons of England to an illegal and arbitrary power'.[1] The Peers duly retaliated, and on March 27—the same day upon which they issued their manifesto on the Aylesbury case—solemnly declared that for the Commons to criticize a judicial finding of the Upper House and themselves to pronounce what the law was, 'is without precedent, unwarrantable, and an usurpation of a judicature, to which they have no sort of pretence'.[2]

Party spirit had a good deal to do with the *Wharton* v. *Bathurst* case. The Whig majority in the Upper House disliked the Tory majority in the other. Bathurst belonged to the latter; so did his co-defendant, one Colonel Byerley, of whom the Lords had already fallen foul in connexion with the Ranelagh affair.[3] Party spirit is also evident in the findings of a Select Committee of the House of Lords which during February and March 1703/4 was engaged in an exhaustive investigation into the recent naval expeditions of Sir Clowdisley Shovell and Admiral Graydon, the former being a Whig, the latter a Tory, suspect of Jacobitism.[4] The vindication of the former was no doubt in accordance with the tenor of the evidence, and no doubt also the latter had

[1] *C. J.*, vol. xiv, pp. 310–11. The essential point in the case was that the lawsuit itself (one concerning the ownership of some land with valuable mineral deposits) was taking place in the Court of Chancery. The Court of Exchequer was, however, also concerned with one aspect of the question and made an order relative to a certain survey of the land in dispute. It was against this order that Wharton appealed to the Lords, who, as the actual lawsuit was before the Court of Chancery, held the order issued by the Court of Exchequer to have been irregular.

[2] *L. J.*, vol. xvii, p. 535.

[3] He was one of the Commissioners of Public Accounts. See *H. L. MSS.* (N.S.), vol. v, No. 2010.

[4] See *ibid.*, No. 2010, pp. 462–535.

been much to blame. But the House laid itself open to the charge of showing party animus when it adopted a recommendation of the sub-committee that Admiral Graydon ought no longer to be employed in her Majesty's service, basing this upon conduct on the Admiral's part which he could justify from his instructions, and which had, as a matter of fact, been already approved by the experts of the Board of Admiralty.[1] Yet while the parliamentary disputes of 1703 and 1704 are partly to be explained by the party division between the Houses, on the other hand there is clearly marked hostility between the two Chambers as corporate bodies, and questions of constitutional principle regarding their respective powers and privileges were at stake.

This is very obvious in the second stage of the Aylesbury election case, which occupied the attention of Parliament during the last session of the first parliament of the reign —from December 1704 to March 1705.[2] Although there had been no definite settlement of the matters at issue, still the support afforded to Ashby's plea by the House of Lords had been sufficient to encourage five other Aylesbury electors, who like him had been denied their votes, to bring actions for damages against the returning officers. This time the Commons were not satisfied with passing resolutions ; they consigned the five venturesome men to Newgate, where they remained for three months.[3] An attempt was then made in the Queen's Bench to obtain a writ of habeas corpus for them. The judges to whom the application was made, with Holt again dissenting, were of opinion that the writ could not be granted.

The decision of the Queen's Bench being against them,

[1] Resolutions relating to Shovell, *L. J.*, vol. xvi, p. 537 ; regarding Graydon, p. 551. Graydon had been guilty of very truculent treatment of natives in Jamaica ; but his chief offence was that he had, when in command of three ships of war and some transports, refused action with four French ships of war. His defence was that he had instructions to lose no time on the voyage by ' closing or speaking with any ship or vessel whatever '.

[2] See *P. H.*, vol. vi, 376–436.

[3] See *State Trials*, vol. xiv, pp. 804–7 ; *All the Proceedings in relation to the Aylesbury men committed by the Commons* (1714, Brit. Mus. Polit. Tracts, 514. 2) ; *H. L. MSS.* (N.S.) vol. vi, No. 2130.

Oviat and Paty, two of the five litigants, very naturally followed Ashby's example and sought to gain the support of the House of Lords by means of a writ of error. No sooner did the Commons hear that this step was in contemplation than they presented a petition to the Queen praying her that the writ of error should not be allowed. It was their right to commit for breach of privilege; their commitments were not 'examinable in any other Court whatsoever'.[1] The Queen made a non-committal reply. Apprehensive lest the writ of error should be allowed and their prisoners discharged, the Commons had them removed from Newgate and placed under the immediate custody of the Sergeant-at-Arms. They also announced that any one who had assisted the prisoners in their application should likewise be taken into custody for breach of privilege.

Another battle with the Lords was now imminent.[2] As a matter of fact the Aylesbury men had all along been under the puissant patronage of Lord Wharton, whose influence can be discerned behind all their proceedings. His biographer waxes eloquent in praise of the by no means disinterested generosity of this great party manager.

'It is not easy to guess what a vast expense my Lord must be at to prosecute this Suit, in doing which he asserted the Right of every Elector in England. . . . What courage! What generosity! What love of Liberty and contempt of Interest must such a man be endow'd with! . . . He had no view in this, but to deliver a Borough in his Neighbourhood from the tyranny of a Tory Landlord, to restore its poor honest Inhabitants to those Privileges, which honest poor Men in England are entitled to, and not to see them opprest by an insolent Faction.'[3]

The five Aylesbury burgesses were assured of the same sympathy from the Lords as had been extended to Ashby. The House decided to hear the judges on the question whether a writ of error was a writ of right or a writ of grace,

[1] *C. J.*, vol. xiv, pp. 549–50; *P. H.*, vol. vi, 394. Feb. 24, 1704/5.

[2] For this new conflict between the Houses see the Dispatches of L'Hermitage on the debates of March 9, 13, 24 in *State Correspondence between England and the Netherlands*, manuscript transcripts in Brit. Mus. Add. MSS. 17677, vol. AAA, pp. 161, 183–4, 191–3.

[3] *Memoirs of Wharton*, pp. 51–5. Cf. Burnet, vol. ii, p. 409.

and openly professed its protection to the counsels and agents for the burgesses, threatened by the Commons' latest fulmination, by strictly forbidding all keepers of prisons, sergeants-at-arms, &c., to arrest, imprison, or otherwise molest them.[1]

The same day, February 26, there took place, at the instance of the Peers, a conference between the two Houses, at which the constitutional issues of the dispute were once more thrashed out, each side remaining adamant.[2] A second conference on March 13 added little to the sum of argument on either side.[3] But the elaboration of their case by the Commons was certainly forceful. On this issue, they maintained, they were fighting for their all. Their entire authority was imperilled if every commitment made by the Commons was to be followed by the presentment of a writ of habeas corpus, and that in its turn by a writ of error, which brought the whole matter before the Lords for their determination. By this process the liberty of every Englishman would be subjected ' to the arbitrary disposition of the House of Lords '.[4]

After this conference the Lords drew up a formal Representation to the Queen, containing a justification of their conduct in the case of the Aylesbury men.[5] The handiwork of Lord Somers,[6] this document was adroit and effective. It started by assuming that the essential question of the right to seek redress at common law for refusal of the vote by a returning officer had already been settled by the judgement of the Lords in the case of Ashby. That point conceded, the action of the Commons in imprisoning the five other litigants was obviously unjustifiable. ' The point of law ', runs the Representation, ' is judicially settled, and yet the House of Commons take upon them to punish men by

[1] *L. J.*, vol. xvii, pp. 676, 677–8.

[2] *Ibid.*, pp. 677–8 ; *P. H.*, vol. vi, 390–401 ; *State Trials*, vol. xv, pp. 813–15.

[3] See *P. H.*, vol. vii, 402–20. The managers for the Lords included Wharton, Halifax, Sunderland, and Burnet.

[4] *C. J.*, vol. xiv, pp. 569–75.

[5] *L. J.*, vol. xvii, pp. 698–715.

[6] See Burnet, vol. ii, p. 410, foot-note by Speaker Onslow.

imprisonment, for endeavouring to have the benefit of what is established by law.' When the Commons alleged as the reason for their committing these men the fact that the latter had defied a declaration of the House, they were virtually claiming by a mere declaration to alter the law of the land. Such a claim amounted to making the will of the House of Commons the sole rule, and 'the certainty of our laws', which was 'the chief felicity of Englishmen', was at once placed in jeopardy. The Commons had alleged that the bringing of the action by the Aylesbury men was a contempt of their jurisdiction, extended to their own members only, and returning officers were not protected by privilege of Parliament. Liberty of person was the right 'of which, above all other things, the law of England is most tender, and no crime could debar a subject from petitioning for a writ of Habeas Corpus'. 'This is the law of England: But according to the resolutions of the House of Commons, if a man has the unhappiness (though through ignorance or a mistake) to do an act which shall be voted a breach of privilege, he becomes in a worse condition than any felon or traitor.' As to the writs of error, argument as to their desirability or otherwise were irrelevant; they existed, and persons were fully entitled to claim them. The House of Commons asserted that the writ was inapplicable in this particular instance, but they had no right to determine whether it did so or not; 'the right of judgment when a Writ of Error is properly brought, is by law entrusted to that court to which the Writ of Error is directed.' And the writ could not in law be denied; the request to the sovereign for the granting of it was as purely a matter of form as the request made to her for the granting of the privileges of Parliament.

The appeals to the Crown made by both Chambers placed the Queen in a predicament from which she wisely extricated herself by putting an immediate end to the session, and in this wholly indeterminate fashion closed the episode of the Aylesbury election without any settlement of the important constitutional issues involved, and to this day they remain undetermined. So far as the original question at issue

between the Houses is concerned, later opinion has generally supported the Lords' attitude. As Hallam put it :

' The house of commons had an undoubted right of determining all disputed returns to the writ of election, and consequently of judging upon the right of every vote. But as the house could not pretend that it had given this right, or that it was not, like any other franchise, vested in the possessor by a legal title, no pretext of reason or analogy could be set up, for denying that it might also come, in an indirect manner at least, before a Court of Justice, and be judged by the common principles of law.' [1]

The right of the Peers to interfere with the other Chamber's commitment for alleged breach of privilege is another matter, and their action in this part of the business is much more questionable. Lord Campbell, in his life of Lord Somers, gave it as his opinion that herein the Lords were definitely in the wrong.

' There never had been a writ of error in the House of Lords in a case of *habeas corpus*, and the Lords had no right to interfere with the commitments of the Commons, however tyrannical they might be. . . . The independence of that House of Parliament was gone whose commitments could be examined by the other, and if the precedent had been established, the Commons ever after could only have enjoyed such functions as were permitted to them by an authority which the Constitution considers co-ordinate.' [2]

On the other hand, the stand made by the Peers on behalf of the Common Law was certainly popular with the nation. After the second prorogation of the first Parliament of the reign there appeared a pamphlet entitled *Legion's humble Address to the Lords*, which arraigned the conduct of the Commons both in the case of Ashby and that of the Scottish plot, while it applauded the Peers for their zeal, courage, and fidelity in not only vindicating their own undoubted rights but also asserting the rights of the people of England against the usurpation of the House of Commons. As the protectors of the freeholders and commons of the realm

[1] H. Hallam, *Constitutional History of England* (3 vols., 1881), vol. iii, pp. 273–4.

[2] John Campbell's *Lives of the Lord Chancellors*, vol. iv, p. 183. See pp. 181–5 *passim*.

their lordships were assured of their constant adherence in the further pursuit of such just and glorious ends.[1] Nevertheless the anxiety with which the House of Commons viewed the proceedings of the other House was natural and justifiable. The representative Chamber had not yet attained to a position of clear and undoubted pre-eminence; it was on the watch for attempts to encroach upon its authority, and it could not view such possibilities with equanimity. It was far from being an independent Chamber, owing to the influence of the nobility in the constituencies. If the Lords were to be allowed, not only to use their personal influence at elections, but corporately to intervene decisively in election disputes, the freedom of the Lower House was very seriously menaced indeed. In standing firm for their privilege at this juncture, the Commons were defending something essential for the preservation of the power and authority of their House, and however wrong they may have been—granted that they were wrong—in their interpretation of the law in this instance, there was much to be said for their contention that in the long run the interests of the electorate were involved with those of the Chamber which contained their representatives.

It has to be remembered that the Peers' possession of high

[1] Cf. 'The Address' in *Poems on State Affairs* (4 vols., 1706, 1707). vol. iv, pp. 68–76:

Ye men of Might, and muckle Power,
Our Representing K——s;
Who High-Church zealots to restore,
And Toleration Acts devour,
Would make us all your Slaves.
. . . . . .
With House of Lords you're wondrous Nice,
Of Reputation tender;
But they see through the thin disguise,
And where you're foolish they're as wise,
And they're our true Defenders.
. . . . . .
And now you stand in Peers' Records,
Usurpers of the Nation;
No Men regard your forfeit words,
The Nation's Eyes are on the Lords,
And there 's our Expectation.

judicial functions under eighteenth-century conditions was a possible source of danger to the Lower House. Nowadays when its judicial business is in practice left entirely to its law lords, the incongruity of the Upper Chamber of the legislature being also the supreme court of judicature in the land is of no moment. But in the eighteenth century, when questions of law were determined by a general vote of the House, it was a very different matter, and the presence of the judges as expert advisers was not an altogether effective safeguard, seeing that the Peers did not necessarily accept their counsel. Among the members of the House who pronounced the judgement in Ashby's favour, there was but one eminent lawyer—Somers. The Speaker of the House was Lord Keeper Wright, who, not being a peer, could only preside, and could neither speak nor vote.[1] Speaker Onslow, whilst giving it as his opinion on the Aylesbury case that 'upon a calm consideration of the matter the point seems to me to be clearly with the house of commons', yet added an unbiased tribute to the customary fairness of the House of Lords in its capacity as a court of law. 'The lords have in general preserved a purity in their judicial acts beyond what could be expected from so large a body, and composed as they are of such various persons, in age and otherwise, with so few of the science of law among them.'[2] Nevertheless, there was excuse for the Commons being suspicious of the possibility that an assembly of politicians might be tempted to use their judicial powers in order to achieve political ends, to the aggrandizement of their own influence and to the corresponding detriment of the representative Chamber.

At the time the advantage seemed to be with the Peers. The Queen, when putting an end to the session, had informed them that had it not been for the necessity of doing this, she would have granted the writs of error desired in their address; and the mere fact of the prorogation automatically led to the release of the Aylesbury men from the custody of the Sergeant-at-Arms. But the point of really

[1] See Campbell, *Lives of the Lord Chancellors*, vol. iv, p. 249.
[2] Burnet, vol. ii, p. 410 *n.* (in 1833 ed., p. 196 *n.*).

permanent significance regarding the case of *Ashby* v. *White* is that it had no successor, that the House of Lords did not again challenge the exclusive right of the Commons to determine election disputes, as being essentially their own concern. The larger question of the relations between parliamentary privilege and the common law was not finally determined till well on in the nineteenth century.[1]

[1] See McIlwain, *High Court of Parliament*, chap. iv; Wittke, chap. vi.

CHAPTER III

THE WHIG ASCENDANCY, 1705–10

THE general election of the spring of 1705 produced a striking change in the political situation, the Whigs being remarkably successful. This at once eased the relations between the House of Lords and the House of Commons, and the conflict which had continued off and on since 1698 ceased for a time to be a feature of parliamentary history. The Ministry took the opportunity to get rid of the Lord Keeper, who had not been a success, and they chose in his place William Cowper, a moderate Whig of conciliatory temper and of much greater ability than his predecessor. He was raised to the peerage late in 1706, and in the following May he was created Lord Chancellor. In the meantime as Lord Keeper he presided over the House of Lords, but, not being a peer, was not entitled to take part in debate. He regaled himself by taking notes of other people's speeches, which though brief are interesting and useful.[1]

At the general election the Tories had gone to the country with the war-cry that the Church was in danger, taking the loss of the Occasional Conformity Bills as evidence of this. The Queen had not approved of the excess of zeal shown by the Tories on this issue in the later stages of the last Parliament and during the election. She had been displeased with their ' tacking policy ', and the suggestion that her beloved Church of England was threatened, while she herself was guarding its interests so jealously, she objected to so strongly that she referred to the rumour in her speech at the opening of the new parliament as ' malicious '. Undeterred by this, the Tories, thoroughly chagrined by their losses at the polls, embarked upon a policy at St. Stephen's which alienated the Queen still further.

[1] See Campbell, *Lives of the Lord Chancellors*, vol. iv, p. 305; *Private Diary of William, first Earl Cowper* (Roxburghe Club, 1833), p. 15.

Their first move in the House of Lords, when Parliament met, seemed clever, but proved to be very shortsighted. They decided to introduce a motion for an address to be presented to the Queen praying her to invite the Princess Sophia of Hanover, heir presumptive to the throne, to sojourn in England. They hoped by this means to attain two objects at one and the same time—to clear themselves of suspicion of Jacobitism and to embarrass the Whigs. For how could the latter, with all their loudly professed zeal for the Hanoverian succession, oppose such a motion? Yet if they supported it they would intensely annoy the Queen, who had no wish to have her destined alien successor resident in the country. The motion was introduced on November 15 by Lord Haversham, riding the whirlwind, as he was ever wont to do. This motion, he explained, was 'for the preservation of our constitution, for the security of the Church, and for the advantage of us all', because the hopes of the Jacobites in the event of the Queen's sudden death would be thwarted were but the rightful successor on the spot. These unctuous arguments were accompanied by criticisms of Marlborough's management of the late campaign on the Moselle and of our Dutch allies, and an impertinent censure upon the Queen for having taken notice of the late disputes between the Houses. The motion was supported by Buckinghamshire, Rochester, Nottingham, Winchelsea, Anglesey.[1]

The Whigs, with much greater perspicacity than their adversaries, perceived that the dilemma in which they were to have been entangled was not nearly so difficult as the Tories had imagined, and that this motion could be turned to their own advantage. Somers had arranged that Anne should be present at the debate. She thus had the pleasure of hearing the Duke of Buckinghamshire dilating upon the possibility 'that the Queen might live till she did not know what she did, and be like a child in the hands of others'.[2] When he was sure that the royal auditor must have heard

[1] See on this debate L'Hermitage, *Dispatches*, Brit. Mus. Add. MSS. 17677, vol. AAA, ff. 521–2. Daniel Finch, sixth Earl of Winchelsea; John Annesley, fourth Earl of Anglesey. [2] *Duchess of Marlborough's Conduct*, p. 159.

quite enough of such distasteful arguments, Somers adroitly moved the previous question, which was carried by a large majority.[1]

But if the Whigs were happy to be able to ingratiate themselves with the Queen by reason of their opponents' strategic blunder, they would not allow themselves to appear lukewarm on the subject of the security of the succession, and they decided to find effective means, such as should not give umbrage to the Queen, 'for carrying on the government' in the event of her demise, 'for maintaining the public quiet, and for proclaiming and sending for the successor'.[2] This suggestion, made by Burnet, was adopted by the Lord Treasurer. A Regency Bill was accordingly formulated by Somers and introduced into the House of Lords by Wharton, who in a vein of pleasantry, which, according to Burnet, 'charmed the whole House', but which we know on other testimony only charmed part of it, congratulated the Tories on their miraculous conversion to Hanoverian principles.[3] Their own proposal regarding the Electress had shown 'an excess of zeal, which he could not but commend, though he could not fully agree to it'.[4] The Tories opposed the Regency Bill, and when it secured its third reading entered a protest on the grounds that their own plan would have been more effective and that the seven regents or lords justices appointed under the terms of the bill would be too powerful.[5] Their opposition to this measure did the party no good. From first to last they had bungled. 'I never knew anything', Burnet records, 'in the management of the tories, by which they suffered more in their reputation, than by this.'[6]

Having outmanœuvred the Tories thus easily when on

[1] Campbell, *Lord Chancellors*, vol. iv, p. 187.

[2] Burnet, vol. ii, p. 430.

[3] *Ibid.*, pp. 431–4 and foot-note by Dartmouth on p. 431.

[4] *P. H.*, vol. vi, 471.

[5] See *Complete Protests*, vol. i, pp. 174–7. The regents *ex officio* were to be the Archbishop of Canterbury, the Lord Chancellor, the Lord Treasurer, the Lord Privy Seal, the Lord High Admiral, the Lord Chief Justice of the Queen's Bench; *Statutes at Large*, 4 Anne, c. 8, vol. iv, p. 189. For debates on this measure see *H. L. MSS.* (N.S.), vol. vi, No. 2179; *Cowper's Diary* pp. 15–17.

[6] Burnet, vol. ii, p. 433.

the defensive, the Whigs now proceeded to take the offensive and to outmanœuvre them again. They decided in their turn to create a dilemma for their opponents, to raise the Church of England question and force the Tories either to recant, in which case they would alienate their High Church adherents, or else to persist in their allegations and thus inevitably offend the Queen still more deeply. Accordingly, on December 6, Halifax, in committee of the whole House on the speech from the throne, moved for an inquiry into the dangers averred to threaten the Church. Rochester rashly took up the gauntlet. He confessed that he might seem to contradict the Queen by speaking freely, but as Ministers might be supposed to be the authors of the royal speeches, he hoped what he said would not be regarded as offensive to the Queen personally.[1] Certainly he did consider that the Church was in danger, from the failure of the bills to prevent occasional conformity, from the refusal to invite the heir presumptive to the throne into England to learn something of the English Church and State, and from the Scottish Act of Security, to which Anne had given a reluctant assent in August 1704.[2] After Rochester had sat down there was complete silence for a quarter of an hour, no one rising to support him. Halifax then delivered the vigorous onslaught for which he had so carefully prepared the way. It was curious that this sort of cry should be heard nowadays. The Church had indeed been in danger in the days of Charles II and James II, but it had been rescued by William III. As to the absence of the Princess Sophia from the English shores constituting a peril to the Church, that was an apprehension of the very briefest standing, for he could swear up to a fortnight ago no one had even thought of it.[3] Wharton, who, in the words of Dartmouth, 'never failed to insult, if he thought he had an advantage', pressed the Tory peers to say plainly what they were afraid of, and

[1] *P. H.*, vol. vi, 479–511; *Cowper's Diary*, pp. 25–6; and an account of this debate in Brit. Mus. Add. MSS. 28252, f. 82.

[2] See *infra*, p. 78.

[3] *P. H.*, vol. vi, 481–4; L'Hermitage, vol. AAA, pp. 572–3; Add. MSS. 28252, ff. 82–4. The latter account has to be read with caution as there seems to be confusion as to the identity of several of the speakers.

in his profane manner expressed a firm resolve ' by God's blessing always to remain in the Church '. But if we are to believe Dartmouth, the Duke of Leeds, by telling a story much to Wharton's discredit, turned the tables upon him, ' upon which Wharton was very silent for the rest of the day, and desired no further explanations.' [1]

The episcopal bench naturally took a prominent part in a debate on such a subject. The Bishop of Salisbury declared that so far was the Church from being in danger that it had of late been particularly thriving, and he instanced the good work being done by the Society for the Propagation of the Gospel and the societies for the reformation of manners.[2] Other latitudinarian bishops spoke in the same tone.[3] The intolerant note was sounded by the Archbishop of York and by the Bishop of Lincoln, who was horrified by the prevailing irreligion and by the intolerable licentiousness of the press.[4] The danger to the Church from the Dissenters' schools was used as an argument by Nottingham and Buckinghamshire.[5] The debate was concluded by Somers, who urged that for men ' to raise groundless jealousies ' at this time could only mean an intention to embroil us at home and to embarrass our arms abroad.[6] By the decisive majority of 61 to 30 the House decided that the Church of England was not in danger, and it adopted a resolution to the effect that the Church, ' which was rescued from the extremest danger by King William III, of glorious memory, is now, by God's blessing, under the happy reign of her Majesty, in a most safe and flourishing condition ; and that whoever goes about to suggest and insinuate that the Church is in danger under her Majesty's administration is an enemy to the Queen, the Church and the Kingdom '.[7] Twenty-six protesting Tory peers observed ' that it is not a proper way to prevent dangers, by voting there are none '.[8]

[1] Burnet, vol. ii, pp. 434–5 *n*. See also Add. MSS. 28252, f. 86.
[2] *Ibid.* ; *P. H.*, vol. v, 481–4.
[3] *Ibid.*, 495–8.
[4] Add. MSS. 28252, f. 84.
[5] *Ibid.*, f. 86 ; L'Hermitage, vol. AAA, p. 572 ; *Life of Sharp*, vol. i, pp. 363–4.
[6] *P. H.*, vol. vi, 504–5.
[7] *L. J.*, vol. xviii, p. 43.
[8] *Complete Protests*, vol. i, pp. 177–9.

On December 8 the House of Commons held a full-dress debate upon this same subject, as the result of which they came to the same conclusion as the Lords by 212 to 161 votes.[1] The two Chambers, showing a cordial unanimity such as had not appeared between them for many a long day, then presented a joint address to the Queen, praying her to use all due severity against those responsible for the initiation and the dissemination of the scandalous rumours about the Church of England.

Apart from the Regency Bill, the most noteworthy measure that came before the House of Lords during this session was a Law Reform Bill, drawn up by Lord Somers, with the object of reducing the delays and the expensiveness of judicial proceedings.[2] Supported by the encomiums of Cowper and the judges, this valuable measure was accepted by the Upper House, but it assumed a very truncated form in the Commons, where amendments of a somewhat destructive character were introduced owing to the influence of under-officers, clerks, and attorneys, whose gains were threatened by the bill. The Lords accepted these amendments, although they partially crippled the measure, rather than risk a quarrel over a matter not of first-class importance with a House of Commons with which their relations had hitherto been uncommonly good.[3] 'Thus', observes Burnet, 'this session of parliament came to a very happy conclusion: there was in it the best harmony within both houses, and between them, as well as with the crown, and it was the best applauded in the city of London, over the whole nation, and indeed all Europe, of any session that I had ever seen.'[4]

By far the most important domestic question of the years

[1] *C. J.*, vol. xv, p. 58.

[2] See Burnet, vol. ii, p. 439; Campbell, *Lord Chancellors*, vol. iv, p. 195; *H. L. MSS.* (N.S.), vol. vi, No. 2209.

[3] Another reform inaugurated by Somers at this time may be mentioned. It was found that private bills were apt to be examined too cursorily and to pass with too little examination. Somers made suggestions for a better regulation of private bills. There should also be noted a project brought forward by Halifax for the better housing of the public records. See Burnet vol. ii, pp. 440–1.

[4] Burnet, vol. ii, p. 441.

1706 and 1707 was that of the legislative union between the two kingdoms of England and Scotland. William III had been zealous for the scheme, especially towards the end of his reign; shortly after the accession of Anne, commissioners from both countries met together to discuss a basis of union. And when in May 1703 the Queen called upon the Scottish Estates to make provision for the succession, the response of that assembly, which was full of stark covenanters and factious Jacobites, was to carry the so-called Act of Security, which laid it down that on the Queen's death without living issue, the estates should meet together to nominate a Protestant successor, descended from the ancient royal line, but that this should not be the same person as would come to the English throne unless in the meantime adequate safeguards were provided for the Scottish Parliament, the Scottish form of religion, and Scottish trade.[1] The Queen was prevailed upon to give her assent to this Act because at the moment the situation both at home and abroad was full of doubt and danger. Then came the resounding news of the triumph of Blenheim, and immediately the acceptance of the Act of Security seemed in retrospect utterly supine.[2]

On the meeting of Parliament, which assembled on October 29, 1704, Haversham, in a speech which ranged over a large variety of topics and whose tone gave umbrage to many of the peers, directed their lordships' attention in particular to Scottish affairs. He drew a very gloomy picture of the situation in the northern kingdom, and he stigmatized the Act of Security as an Act of Exclusion.[3] This debate was but a preliminary to a much more important one, which took place on November 29, the Queen being an auditor. It was known that the Lord Treasurer would be attacked, and, says Burnet, 'she diverted the storm by her endeavours, as well as restrained it by her presence.'[4]

[1] See T. Somerville, *History of Great Britain during the reign of Queen Anne* (1798), pp. 188–90.

[2] The royal assent was given after the battle was fought, but before the news of it had reached England.

[3] *P. H.*, vol. vi, 369–70.

[4] Burnet, vol. ii, p. 405. 'The queen began this winter to come to the house of lords upon great occasions to hear their debates, which as it was

Still there was a good deal of heat shown. Godolphin, who had been very apprehensive of the results of this debate and who betrayed his nervousness by speaking very rapidly, which was most unusual with him, was attacked from both sides—by Nottingham and by Halifax. During the latter's speech, Godolphin was seen to be in serious consultation with Wharton, and afterwards with Somers and with Halifax himself, 'upon which he (Halifax) spoke in much a lower strain.' [1] The Tories had intended a severe vote of censure upon the Lord Treasurer, and, had they received throughout the proceedings the support of the Junto, of which from Halifax's speech they seemed at the beginning to be secure, the Ministry would have been hard pressed. 'The Whigs diverted this: they said the putting a vote against an act passed in Scotland, looked like the claiming some superiority over them, which seemed very improper at that time, since that Kingdom was possessed with a national jealousy on this head, that would be much increased by such a proceeding.' Somers urged that the right method of dealing with the Scots was to prove to them that they were in an inferior strategic position to their southern neighbours, that they had everything to gain by friendship, much to lose by hostility.[2]

This was the policy actually followed, and on December 11 the House of Lords adopted several resolutions—the first, that the Queen should be authorized to appoint a new commission to negotiate a union between the kingdoms, the second that, pending the arrangement of a union or the settlement of the succession, no Scotsman, unless naturalized, or permanently resident in England, or a member of the forces, should enjoy the privileges of Englishmen, and that no importation of cattle from Scotland into England or export of wool from England into Scotland should be permitted.[3] The foregoing resolutions were made the basis of

of good use for her better information, so it was very serviceable in bringing the house into better order.'

[1] *Ibid.*, p. 403, note by Dartmouth, who says it was afterwards understood that Godolphin had delivered himself entirely into the management of the Whigs, provided they brought him off on the present occasion.

[2] Burnet, vol. ii, p. 403.

[3] *L. J.*, vol. xvii, p. 596.

three bills. The Commons were inclined to make trouble concerning the second of these, because, as it introduced a monetary penalty for infringement, it could be regarded as a money bill, and was therefore liable to rejection as a violation of the peculiar rights of the House of Commons. They did not press this issue to the extent of embarking upon a dispute with the Lords—two or three weeks later the Houses were fiercely engaged over the question of the Aylesbury men—but they redrafted the bills and combined them together to form a single measure, which passed in the House of Commons on February 1, 1704/5.[1] 'A great coldness appeared in many of the commons, who used to be hot on less important occasions: they seemed not to desire that the Scotch should settle the succession; and it was visible that some of them hoped, that the lords would have used their bill, as they had used that sent down by the lords.'[2] But the Lords were aware of this, and, four days after the bill was sent up to them, passed it without amendment.

The year 1705 was an unhappy one in the history of Anglo-Scottish relations. But the retaliatory measures, which were very prejudicial to Scottish trade and manufacture, had their effect. In April 1706 new commissioners met in London to discuss the plan of a united kingdom; on July 22 they had come to the end of their labours. After prolonged debates, during which Edinburgh was often in turmoil,[3] the treaty of union was finally accepted by the Scots on January 16, 1706/7, and on the 28th day of that month the Queen was able to present the Scottish ratification to the English Parliament.[4]

The discussion of the treaty in the House of Commons was brief and somewhat perfunctory. 'The house of commons', says Burnet, 'agreed to it all, without any opposition, so soon, that it was thought they interposed not delay and consideration enough, suitable to the importance of so great a transaction. The debates were longer and

[1] *P. H.*, vol. vi, 374. [2] Burnet, vol. ii, p. 403.
[3] These proceedings are discussed *infra* in chap. v, pp. 137–46.
[4] *L. J.*, vol. xviii, pp. 207–19.

more solemn in the house of lords.' [1] On January 31 the Archbishop of Canterbury laid before the House a bill for securing the Church of England on the analogy of one passed by the Scottish Estates for the security of their Kirk at an early stage in its discussions of the articles of the projected union.[2] This continued the Act of Uniformity and other laws necessary ' for the establishment and preservation of the Church of England '. In the Scottish Act the principle of test for admission to office had not been incorporated, and episcopalians were eligible, although dissenters from the presbyterian establishment. Such tolerance was not adopted in the English measure, though, curiously enough, there was no specific mention of the Test Act. Sharp was distressed about this. The Queen urged him not to press his objections. She knew, she told him, that some lords (Nottingham and Rochester, for example) would use any opportunity to oppose this bill, simply because they were opposed to the whole project of the Union.[3] It was, however, moved ' that there be inserted in the Act of Union (as a fundamental condition of the intended Union) particular and express words, declaring perpetual and unalterable, an Act of Parliament (25 Charles II, c. 2) entitled An Act for preventing dangers which may happen from Popish recusants '.[4] The motion was defeated by 60 to 33, there being twelve bishops in the majority, five with Sharp in the minority. Twenty-three of the minority protested.[5]

On February 15 the House went into committee of the whole House to examine the articles individually, the Bishop of Salisbury being in the chair, and those who disliked the idea of the union at once began to unlock their armoury.[6] It was argued, for example, that the scheme, involving an entirely new constitution, altered and invalidated all the laws of England. The judges were summoned

[1] Burnet, vol. ii, p. 463. Also see generally on these debates, A. Boyer, *History of Queen Anne*, pp. 275–82.

[2] *L. J.*, vol. xviii, p. 222. See *H. L. MSS.* (N.S.), vol. vii, No. 2310.

[3] *Life of Sharp*, vol. i, pp. 390–2.

[4] *L. J.*, vol. xviii, p. 224.

[5] *Ibid.*, p. 225; *Complete Protests*, vol. i, pp. 179–80.

[6] See *H. L. MSS.* (N.S.), vol. vii, No. 2307; H. M. C., *MSS. of the Earl of Mar and Kellie*, p. 377.

to give their opinions upon this point, and they proved very emphatic. Nothing of the sort could happen. Had there been such a danger they would have suggested a remedy, but as this suggested incorporation meant that the Scots came into the Parliament of England, nothing could be more plain than that that Parliament and all its Acts remained.[1]

The most strenuous opponent of the whole scheme was Haversham. 'A federal union', he declared, 'a union of interest, a union in succession, is what I shall always be for.' He maintained that the two countries were too widely different in law, worship, and custom for an incorporating union. It could only be maintained by force. Though the articles had been accepted by the Scottish Parliament, they were not approved by the Scottish people. 'Have not the murmurs of the people there been so loud as to fill the whole nation?' He believed that the good old English constitution would be brought into jeopardy and its beautiful balance of powers be destroyed.[2]

Lord North and Grey[3] and also Nottingham, who thought the name Great Britain 'horrid', took exception to the small contribution to be made by the Scots to the Exchequer. Wales, a much smaller country than Scotland, paid twice as much in land-tax as Scotland was to pay, although she had only half the number of representatives. Halifax, who had been one of the commissioners, answered this argument by the reminder that such inequalities existed already in England. Cornwall paid only half as much in land-tax as Gloucestershire, though she had five times the representation in the House of Commons.[4]

Haversham and Rochester and others disliked the introduction of the representative principle into the House of Lords with the destined appearance of the sixteen Scottish peers. This was a manifest injustice to the one hundred other members of the Scottish nobility who were excluded,

[1] *H. L. MSS.* (N.S.), vol. vii, p. 19.

[2] See his speech in Brit. Mus. Political Tracts, 1700; *P. H.*, vol. vi, 563–4; *MSS. of the Earl of Mar and Kellie*, p. 377.

[3] William, sixth Lord North, second Lord Grey. Died 1734.

[4] *P. H.*, vol. vi, pp. 564–6.

and it involved a most dangerous innovation, when peers by election were permitted to sit among peers by birth.[1] Nottingham and North and Grey were persuaded that the presence of these Presbyterian lords in the House would be most dangerous to the Church of England, and the Bishop of Bath and Wells desired that they should not be allowed to vote on any ecclesiastical questions.[2]

It was indeed the Church of England question that caused the most trouble. The Archbishop of York had been much perturbed at the situation of the episcopalian clergy in Scotland, and he feared greatly for them under the new dispensation, while the Act securing the Scottish Church filled him with horror.[3] It declared that the Scottish religion was the true Protestant religion and that the Presbyterian system of government was necessary. Several other bishops —notably those of London, Bath and Wells, and St. Asaph— felt that they could not reconcile it with their consciences to vote for the retention of such an Act as an integral part of the settlement. Rochester and Nottingham, as was to be expected, were equally opposed to the Act.[4] Burnet and Talbot, Bishop of Oxford, spoke on the other side. The chief danger to the Church came from France and from Popery, and 'whatsoever rescued us from these, delivered us from our justest fears. . . . As for church matters, there had been such violence used by all sides in their turns, that none of them could reproach the others much, without having it returned upon them too justly. A softer management would lay those heats, and bring men to a better temper.'[5] There was far more chance, declared Talbot, that England might one day restore episcopacy in Scotland than that Scotland should ever be capable of introducing presbyterianism into England.[6]

The temporal lords who took most part in the defence of the articles of union were Sunderland, Wharton, Townshend, Halifax, Godolphin, and, above all, Somers—the successful achievement of the project being in large measure

[1] *Ibid.*, p. 567. [2] *Ibid.* [3] *Life of Sharp*, vol. i, pp. 390, 392.
[4] *Ibid.*; Burnet, vol. ii, p. 464.
[5] Burnet, vol. ii, p. 464. [6] *P. H.*, vol. vi, 571–6.

a monument to his genius and statesmanship. There was a long debate on Article 22, which dealt with the Scottish representation in the united Parliament, but the motion that this should be retained was carried by the decisive vote of 71 to 22.[1] The majorities were throughout comfortable. 'Every division of the house', says Burnet, 'was made with so great an inequality, that they were but twenty against fifty that were for the union.'[2] On February 27 the committee reported and the House then agreed to all twenty-five articles of the treaty. Leave being given to dissent, Haversham and two other peers dissented *in toto*, the Duke of Beaufort from all save the second article, the one settling the succession to the Scottish throne in the House of Hanover. Protests were also entered against the financial clauses of the treaty and against the introduction of the Scottish representative peers.[3] The terms of the treaty having been approved, a bill for the union of the two kingdoms was introduced into the House of Commons, where it passed very rapidly through all its stages. It was brought up to the Lords and read a first time on March 1.[4] 'It did not stick long in the house of lords, for all the articles had been copiously debated there for several days before the bill was sent up to them: and thus this great design, so long wished and laboured for in vain, was begun, and happily ended, within the compass of nine months.'[5]

The Union was to take effect as from May 1. In the interval merchants on both sides of the border prepared to make full profit out of the difference between the existing fiscal relations of the two countries and those which would prevail from May 1 onwards.[6] For example, Scottish mer-

[1] *H. L. MSS.* (N.S.), vol. vii, No. 2307, p. 20. [2] Burnet, vol. ii, p. 464.
[3] See *Complete Protests*, vol. i, pp. 180–3.
[4] *L. J.*, vol. xviii, p. 264.
[5] Burnet, vol. ii, p. 465. It secured its third reading on March 4, *L. J.*, vol. xviii, p. 268.
[6] See *H. L. MSS.* (N.S), vol. vii, pp. v–vii; also Nos. 2382, 2384. Earl Stanhope, *History of Queen Anne* (2 vols., 1872), vol. i, pp. 318–20. It was possible for English tobacco- and wine-merchants to send their commodities, which had paid full import duty, to Scotland, there benefit by a drawback, and then reimport into England free of duty after April 30. The amount of the drawback would then be clear profit.

chants had the opportunity of importing at the present customs rate in their kingdom, which was lower than the present English rate and the intended United Kingdom rate, keeping the goods in their warehouses during the next couple of months, while the English tariff barrier against Scotland still existed, and then sending them free of duty into England. English traders were keenly excited at the prospect of this unfair competition, and the House of Commons introduced a bill for their protection, to render these fraudulent practices impossible. An amendment, proposed by Harley, was incorporated into the bill, rendering it retrospective. The Lords received this bill on April 8. It reached the committee stage, but went no farther.[1] The House had been advised that the Scots would be greatly angered if this bill became law, and would regard it as an infringement of Article 4 of the Union, which established free trade between the countries. As the bill only sought to regulate matters prior to the establishment of free trade, there was no justification for this view. The Peers, however, were of opinion that it would be impolitic to increase the hostility which had already been evinced in Scotland against the Union, and they firmly refused to accept the bill.

In view of this disagreement between the Houses the Queen was advised to prorogue Parliament for a week, so that they might have time to reconsider the matter.[2] On the resumption of April 14 the Commons brought in a new bill practically identical with the first. The Lords' attitude had not changed. The matter was in their opinion too small to justify action which might seriously prejudice the chances of the union settlement increasing in favour north of the Tweed. They therefore allowed this bill, like the first, to drop, considering 'that the 1st May was so near at hand and that the practice of fraudulent traders had in some measure, been prevented by the terror of the intended law'. Owing to the new deadlock between the Houses, Parliament was again prorogued on April 24.[3]

When Parliament reassembled on October 23, 1707, it

[1] *L. J.*, vol. xviii, pp. 317, 319. [2] *Ibid.*, p. 322.
[3] *Ibid.*, p. 326. See also *H. L. MSS.* (N.S.), vol. vii, No. 2386.

had, though there had been no general election in the meanwhile, become a new thing. By the incorporation of Scottish Members in both Houses, it had assumed the character of the first Parliament of Great Britain. The opening of the session at once showed that the Administration had to expect a heavy buffeting, for many Whigs and Tories were in alliance to oppose it. The former could be relied upon for support of the war, but for nothing else. They considered that the elevation of Cowper to the Lord-Chancellorship and the inclusion of Sunderland in the Ministry as one of the Secretaries of State [1] gave an insufficient representation to their party in the Government, and they were accordingly out of temper.

For the Queen's speech on November 6 the Commons at once returned the customary address of thanks. The Lords, on the other hand, on the initiative of Wharton, who made an elaborate speech, and of Somers,[2] took the unusual course of postponing the debate on the address and embarking on a discussion on the state of the nation, it being alleged that a serious situation regarding our trade and the navy rendered the subject one of great urgency. Loud complaints had recently been made by merchants and shipowners of the inadequacy of the protection afforded by the navy to our sea-borne trade, the conduct of the convoy system coming in for particularly sharp criticism.[3] While the Whigs were not sorry for an opportunity of attacking the Admiralty, where the Tory influence predominated—they were undeterred by the fact that Prince George of Denmark presided over it, and the Queen was therefore disposed to regard it as sacrosanct and to resent any adverse comment upon its management as an attack upon the royal family—the Tories, on the other hand, chose to throw the blame for defective naval arrangements, not on the Admiralty, but upon the Cabinet, and especially on its head, the Lord Treasurer.

'The complaints', says Burnet, 'were feebly managed at the

[1] Since the previous December.

[2] The two Whigs were supported by the Tories Buckinghamshire, Rochester, and Guernsey.

[3] See *H. L. MSS.* (N.S.), vol. vii, No. 2396; Luttrell, vol. vi, pp. 233–6.

bar of the house of commons. . . . Both whigs and tories seemed to be at first equally zealous in the matter ; but by reason of the opposition of the court, all those who intended to recommend themselves by favour, abated of their zeal . . . but the matter was managed with more zeal and courage in the house of lords, both whigs and tories concurring in it.' [1]

A petition from two hundred merchants was presented on November 19, when complaint was made of the hardships inflicted upon traders by the ill timing of the convoys and of the shortage of cruisers for the protection of merchant vessels.[2] A debate on the subject took place on December 3, when Haversham waxed exceeding eloquent and dolorous, enlarging upon ' the moving objects of sorrow we meet with every where, the tears of the fatherless and cries of the widows ', upon the great ferment the nation was in, and especially upon the disasters at sea, ' so many, a man scarce knows where to begin '. ' Your merchants are beggared, your commerce is broke, your trade is gone, your staples and manufactures ruined.' In his opinion the navy itself could not be in better hands ; he took ' the root of all our misfortunes to be the ministry '. Without a change of Ministry he believed no remedy would be effectual.[3] The House then appointed two committees, one under the Duke of Bolton to examine into the truth of the allegations contained in the petition, the other under Halifax to consider suggestions for the encouragement of privateering in the West Indies, to which, in the absence of naval convoys, Jamaica merchants looked for the safeguarding of their trade with the Spaniards.[4] The first committee started off by calling before them all the merchants who had signed the petition, treating them ' not with the scorn that was very indecently offered them by some of the House of Commons, but with great patience and gentleness : they obliged them to prove all their complaints by witnesses upon oath '.[5] The field of inquiry was so wide and the specific allegations so numerous that this committee continued its

[1] Burnet, vol. ii, pp. 489–90.
[2] *L. J.*, vol. xviii, p. 341.
[3] *P. H.*, vol. vi, 598–9 ; Carte MSS. (Bodleian) 180, f. 137.
[4] *H. L. MSS.* (N.S.), vol. vii, No. 2401.
[5] Burnet, vol. ii, p. 490.

labours for some three months, but already in its first interim report, presented to the House on December 17, it had come to the conclusion that the merchants' case was well founded, that convoys had often been denied to the merchants, that, when they were promised, they were often so long delayed that markets were lost and perishable goods were allowed to rot, that when suggestions for improvements in the escorting arrangements were made to the Admiralty they had been treated with scorn.[1] On the receipt of this report, Godolphin moved that a copy of it should be sent to the Lord High Admiral.

The Admiralty's reply reached the House on January 9, 1707/8. It was a vigorous vindication of its policy. Many of the merchants' statements were bluntly denied ; the lack of vessels for convoy purposes and for the protection of home waters was explained by the greatly increased demands made by the situation in the Mediterranean. Here there was a strong case. The recent addition of the Mediterranean to our other naval stations meant a heavy drain on our resources in men and ships, so that the real remedy for existing troubles was a big programme of new construction, which was not what Parliament wanted. For the rest the Admiralty's defence consisted in an attack upon naval administration during the previous reign.[2] The document was referred by the House to its committee, which made a new and closer investigation into the question in the light of the Admiralty's apologia, with the result that it found itself totally dissatisfied with it. The House thereupon decided to draw up an address, laying the whole matter before the Queen. Up to this point Whigs and Tories had been able to co-operate, but now the difference of their aims became apparent. For the latter wished the address to place all the blame upon the Ministry. Inasmuch as it had been declared more than once during the course of these discussions that there was no intention to make any complaint of Prince George himself, they maintained that the blame could not properly be laid anywhere else but

[1] Burnet, vol. ii, p. 490 ; *L. J.*, vol. xviii, pp. 366–91.
[2] *H. L. MSS.* (N.S.), vol. vii, pp. 182–95 ; *L. J.*, vol. xviii, pp. 405–22.

upon the Ministry. As the Whigs' animus certainly was against the Lord High Admiral, although they found it inconvenient to say so, Buckinghamshire, Rochester, and Haversham, who strenuously urged the Tory point of view, considered that they had succeeded this time in involving their rivals in a real embarrassment. Orford, Somers, and Halifax, the Whig stalwarts, however, found a way of extricating themselves. The House, they argued, could only lay before Her Majesty what had come out in evidence given upon oath, and in the examination no witness had even mentioned the Ministry.[1] This argument prevailed. In the address, as it was eventually drawn up, care was taken to point out that nothing was intended to reflect upon the Lord High Admiral himself. But much was said in criticism of his advisers. The address concluded with the reminder that ' the honour, security and wealth of this kingdom ' depended upon its trade and its naval strength.[2]

Anne, who felt highly displeased at the whole proceeding, made a colourless reply to this address, in which she pointed out that she needed no reminder of the importance of our trade and of our navy. Nothing whatever was done.[3]

While the protracted examinations into the state of the navy were proceeding the House was also engaged in an inquiry into the conduct of the war in Spain, and here again the Tories perceived a good opportunity of creating trouble for the Ministry and at the same time embarrassing the Whigs. The Spanish campaign, which had appeared to be prospering exceedingly in 1705 and the earlier part of 1706, had since then been going very badly. In September 1705, Barcelona had been taken, Catalonia and Valencia had subsequently been overrun, and on June 17, 1706, Madrid had been entered in triumph by the allied troops under Henri de Ruvigny, the Earl of Galway.[4] The greater part

[1] See Burnet, vol. ii, pp. 490–2.

[2] *L. J.*, vol. xviii, pp. 482–3 ; *P. H.*, vol. vi, 661–2.

[3] *Ibid.*, p. 491. March 2, 1707/8.

[4] A French refugee of considerable military reputation, who was given the Irish title of Earl of Galway. Curiously enough, this Frenchman in command of English forces in Spain was opposed by the English Jacobite, the Duke of Berwick, at the head of the French forces in the Peninsula.

of the credit for these successes was claimed by the Earl of Peterborough, the erratic and irresponsible commander of the English forces in Spain, who held not only a general's but an admiral's commission.[1] Peterborough, whose vanity would not brook the association of an equal, let alone that of a superior, was exceedingly jealous of Galway, and would not co-operate with him. He left Spain and went gallivanting to Savoy and Italy with schemes of his own for prosecuting the war in other theatres. In his absence Galway was compelled to evacuate Madrid. Peterborough returned to Spain, but in January 1707, owing to the complaints of his conduct from the Archduke Charles, the Government wrote to recall him. Peterborough ignored this order, so that on April 15 it had to be repeated. On April 25 Galway suffered a crushing defeat at the hands of Berwick at Almanza. Peterborough came back to England in disgrace to be confronted at the end of September with a number of serious charges, to which he was commanded to prepare an answer. Why had he refused to serve under his superior officer, Galway; why had he, without instructions, gone to Italy and started negotiations with the Duke of Savoy, and drawn bills at Genoa on the English Treasury for large amounts without warrant? Peterborough produced an elaborate replication. It did not carry conviction to the Cabinet.[2]

On December 15 the House of Lords commenced an inquiry into the causes of the late disasters in Spain, and the conduct of Peterborough inevitably came up for discussion.[3] Peterborough was a Whig, but the members of his own party had become thoroughly disgusted with him. The Tories decided to adopt him. It was easy to point out—and the fact was incontrovertible—that our successes in Spain had coincided with the period of Peterborough's activities there; our defeats had coincided with his absences. Was there not a causal connexion here? Peterborough was as plausible as he was voluble. Taken at his own valuation he was

[1] For Peterborough's conduct in Spain see the Hon. A. Parnell, *The War of Succession in Spain* (1905), pp. 106–90 and Appendix C.

[2] See *H. L. MSS.* (N.S.), vol. vii, No. 2426, a large collection of papers relating to Peterborough's conduct in Spain, pp. 357–517.

[3] *L. J.*, vol. xviii, p. 362.

a brilliant general, most grievously maligned. He was a veritable godsend to Haversham, who eulogized his 'valour, skill and successes', and cast reflections upon Galway, saying 'it was no wonder our affairs in Spain went so ill, since the management of them had been entrusted to a foreigner'.[1] But evidently Peterborough palled upon the House, even upon his new friends. He made long speeches [2] and 'brought such a number of papers, and so many witnesses to the bar, to justify his conduct, that after ten or twelve days spent wholly in reading papers, and in hearing witnesses, both Houses grew equally weary of the matter; so, without coming to any conclusion or to any vote, they let all that related to him fall.' [3]

As regards the more important question of the conduct of operations in Spain, the Tories, animated largely by jealousy of Marlborough, who continued to win his remarkable victories in another theatre of war, urged that the Peninsula rather than Flanders should receive our chief attention.[4] Rochester quoted a saying of the old Duke of Schomberg, that 'attacking France in the Netherlands was like taking a bull by the horns'. He and Nottingham urged that we should stand strictly on the defensive in the Low Countries and send large reinforcements to Catalonia. His younger brother, George Churchill, was a member of Prince George's naval council. Marlborough was also in the House during the discussions on Spain. When Rochester had sat down, he rose to maintain very warmly that our forces in Flanders should rather be increased than diminished, that it was easier to stand on the defensive with a few battalions in Spain than with twenty times their number in Brabant. Rochester interrupted to rally the Duke, 'who had ever been conspicuous for his calmness and moderation', on his loss of temper. There was an absolute necessity to recover Spain, and where were the indispensable forces to come from unless from Flanders? Marlborough retorted that this

[1] *P. H.*, vol. vi, 606.

[2] Luttrell (vol. vi, p. 256) mentions one of three hours.

[3] Burnet, vol. ii, p. 492.

[4] For these debates see *P. H.*, vol. vi, 606–10; Coxe's *Life of Marlborough*, vol. ii, pp. 180–5; *Egmont MSS.*, H. M. C., vol. ii, pp. 220–1.

question concerned him too nearly for him to view it without concern, and, as for reinforcements for Spain, it had already been arranged that the Emperor should supply them.

This reply took the wind out of the Tory sails, and Rochester could only remark in very lame fashion: 'Had we known sooner how well all things had been managed, this debate might have been spared.' As the result of this espousal of Peterborough's cause, in drawing so much attention to the subject of Spain, the Tories had inadvertently played into the hands of the Whigs. Immediately after the duel between Rochester and Marlborough, Somers rose to move a resolution: 'That no peace can be honourable or safe, for her majesty and her allies, if Spain and the Spanish West Indies be suffered to continue in the power of the House of Bourbon.' After their expressions of intense anxiety on the subject of Spain the Tories could scarcely object to this sentiment, yet its acceptance meant the support of Whig determination to prosecute the war *in all theatres* with increased rigour and *à outrance*.[1] In this resolution—which together with one or two others were embodied in an address to the Queen, concurred in by both Houses—the Whigs had enunciated what became a cardinal maxim of their policy, 'No peace without Spain.'[2]

The Whigs were now approaching the hour of their triumph. The resolutions concerning the Jacobite intrigues of Harley's secretary William Greg, although the master was cleared of all complicity, did him great harm. The examination of the culprit and of a number of witnesses by the House of Lords showed that Greg's proceedings had only been possible because of the gross carelessness in Harley's office. The latter was forced to resign, and his friend, St. John, elected to follow him. The failure of a deliberate attempt to break the Bank of England, at the time of the invasion scare of March 1708, left the Tories in bad odour. A general election in the following May increased

[1] Address agreed to by the Lords, *L. J.*, vol. xviii, pp. 398–9, Dec. 22; as agreed to by both Houses, pp. 400–1.

[2] See Addison's pamphlet, *The Present State of the War and the Necessity of an Augmentation considered* (1708).

the Whig representation in the House of Commons. Marlborough and Godolphin insisted that terms must be made with the Junto. The Queen resisted the suggestion, even when the two leaders threatened resignation. But the death of her husband on October 28 broke her spirit, and the appointment of Somers as Lord President three weeks later marked the Whig victory.

The period of the Whig ascendancy, important as it is in other respects, is not, apart from the Sacheverell case at its close, particularly notable in parliamentary history. It was a very short period—not much more than a year and a half, and from a legislative point of view it was not productive. There was an inquiry set on foot by the irrepressible Haversham at the opening of 1709 into the circumstances of the attempted invasion of Scotland in the previous March. He wanted to know why the Ministry had not discovered who were the persons in Scotland who must have given encouragement to the enterprise. He even went so far as to hint very broadly that there had been complicity on the part of Godolphin. 'I know', he exclaimed, 'that even among the Apostles themselves he that bore the bag proved the traitor.' And again: 'Will no alarm awaken us? Will the scales never fall from our eyes? Must some men's mighty services prevent our looking into others' great miscarriages?' [1] A very large collection of papers dealing with the French attempt was laid by Sunderland before the House on February 3,[2] and they were considered by the House on the 25th, when Haversham, supported by Buckinghamshire, renewed his offensive, accusing the Government this time of having failed to take proper precautions for the defence of Scotland until the danger was practically over.[3] Haversham and the Opposition gained nothing whatever by this attack.

The Government found that while a number of persons were arrested and brought to trial on the charge of complicity in the attempted invasion, convictions were not

[1] See *Harleian Miscellany*, vol. v, p. 577; *P. H.*, vol. vi, 764.
[2] See *H. L. MSS.* (N.S.), vol. viii, No. 2555, pp. 32–264.
[3] *P. H.*, vol. vi, 766; Tindal, vol. xvii (v), pp. 117–20.

forthcoming owing to mere technicalities in the Scots law of treason. They therefore came to the conclusion that for the safety of the realm the Scots treason law must be altered and made to conform with the English law. The House of Commons appointed a committee to draw up a bill for this purpose, but proceeded no farther. The House of Lords instructed the judges to draft a measure, assimilating the law of treason in Scotland to that of England as regards the nature of the crime, the procedure in trials, and the penalties and forfeitures attendant on conviction. A draft bill on these lines, with the title, ' An Act for improving the Union of the two Kingdoms ', was first read on March 11.[1] Under this pious nomenclature the bill clearly *violated* the Union, by which the Scots had been guaranteed their own courts and system of jurisprudence. After severe opposition from the Scottish peers it passed on the 28th, every one of the sixteen appending his signature to a protest against its title (which they regarded as particularly obnoxious), its preamble, and the body of it.[2]

A case of some importance, consequent upon the union of the two kingdoms, arose in February 1709/10, when a certain Scottish episcopalian minister named James Greenshields brought an appeal before the House of Lords.[3] Greenshields, who had in 1694 been ordained a presbyter by the Bishop of Ross in Scotland and who had been admitted by the Primate of Ireland to a cure in the diocese of Armagh, had, upon returning to Scotland, made use of the liturgy of the Church of England and preached in a private house in Edinburgh. At this time public feeling among the Presbyterians of Scotland had become much excited by the spread of episcopalianism in the country which had resulted from the introduction after the Union of a number of English officials. The conduct of Greenshields aroused widespread indignation, and the Presbytery of Edinburgh summoned the offender before them as having been guilty, in

[1] See *H. L. MSS.* (N.S.), vol. viii, No. 2584 ; *L. J.*, vol. xviii, p. 661.

[2] *Ibid.*, p. 689 ; *P. H.*, vol. vi, 794–9 ; *Complete Protests*, vol. i, pp. 186–7.

[3] See G. Lockhart of Carnwath, *Lockhart Papers* (2 vols., London, 1817), vol. i, pp. 520–9 ; *H. L. MSS.* (N.S.), vol. viii, No. 2651 ; J. Mackinnon, *The Union of England and Scotland* (1907), pp. 410–11.

using the English form of service, of offending against an Act of 1707 which prohibited innovations in worship. The Presbytery forbade him to preach without their leave, and requested the magistrates of Edinburgh to render their sentence effectual. Greenshields ignored this judgement, whereupon he was committed to the Tolbooth prison. He then appealed to the Court of Session, who decided against him on the ground that the Bishop of Ross had ordained Greenshields after the abolition of episcopacy in Scotland, and that he was therefore not a qualified minister. Greenshields next appealed to the House of Lords, maintaining that 'there is no law prohibiting ministers of the Communion of the Church of England from exercising their function, that the Lords of Session ought not to have proceeded on any new grounds for imprisoning him, &c.'

In the first place, was the House competent to receive this appeal? The respondents' plea was that it was not, that Greenshields was in effect appealing from the sentence of the Presbytery, and that from them appeal could only be made to the superior ecclesiastical tribunal. It was argued for the appellant, on the other hand, that the original cause had been before the Edinburgh magistrates, and that the appeal from them to the Lords of Session having failed, bringing the case from them to the House of Lords was perfectly regular. The House, in which Greenshields had many supporters, both among the English peers and the Scottish Tory peers, decided, without a division, that the proceedings were perfectly in order, and, having heard the arguments on both sides as to the question of the ordination, they reversed the sentence of the magistrates and of the Court of Session.[1] The decision was significant, for it meant that in future the extent of the jurisdiction of the Church of Scotland would be determined by the House of Lords.

While the Greenshields case was proceeding, the House was also engaged in other judicial business, which interested it a great deal more—the trial of Dr. Sacheverell. His impeachment is the most important turning-point in the reign of Anne. For it led immediately to a Ministerial crisis,

[1] *L. J.*, vol. xix, p. 240.

and so inaugurated the Tory régime which gives so distinctive a character to the last four years of the Queen's lifetime. The notoriety which the sensitiveness of Godolphin gratuitously bestowed upon a divine distinguished neither for piety nor learning fanned into violent flame the smouldering fanaticism never quenched in this reign.[1] The Ministry had in March 1708/9 received sufficient warning of the danger of arousing High Church bigotry in the Tory antagonism shown to a bill, which had originated in the Lower House, for facilitating the naturalization of foreign Protestants. The alarmist arguments of the opponents of the measure when it reached the Lords make instructive reading. The design was likely to prove dangerous to the constitution, because the foreigners whom it would bring into the country might in time of war ' prove so many spies and enemies ; it would be dangerous to the Church, because the professed enemies of our established church and religion might flock over, with design to effect its overthrow ; while by intermarrying with the native population these foreigners would go a great way to blot out and extinguish the English race '. The bill would also be detrimental to the country's economic interests, prejudice the intent of the Navigation Acts, diminish the yield of the customs, upset the labour market.[2]

The literature on the Sacheverell case is detailed and voluminous. There is no need to tell the whole story. The principal features of the trial are familiar. Also, although as judges in the impeachment the Peers were much in the limelight, still, for them, as for the country as a whole, the significance of the episode lay much more in its results than in anything which took place during the process.[3] The

[1] Burnet, vol. ii, p. 542, Dartmouth's note. ' I knew neither the doctor nor the doctrine had been called in question, if the word Volpone had been left out of his sermon.'

[2] See *P. H.*, vol. vi, 779–82 ; Tindal, vol. xvii (v), pp. 112–17 ; *Complete Protests*, vol. i, p. 186. The first reading was March 11, 1708/9, *L. J.*, vol. xviii, p. 661 ; the third on March 15, *ibid.*, p. 668.

[3] For the trial generally see *State Trials*, vol. xv, pp. 1–521 ; Boyer, *Queen Anne*, pp. 405–47 (speeches very fully reported) ; Tindal, vol. xvii (v), pp. 222–50 ; *The Trial of Dr. Henry Sacheverell* (published by order of the House of Lords, 1710) ; *A Vindication of the Last Parliament in Four*

trial aroused great excitement in every class in the community, and just as the London mob thronged the streets to watch the doctor on his way to and from Westminster Hall, so every person of quality was intent upon witnessing the scene inside the building. Sir Christopher Wren was instructed to provide sufficient sitting accommodation to enable each peer to dispose of eight tickets of admission, and these tickets were in hot demand.[1] The privileged spectators heard from the mouths of the Commons' managers, Walpole, Dolben, Jekyll, what has been generally regarded as the classical exposition of true Revolution principles;[2] they heard the not very ingenious or convincing replies of Sacheverell's counsel, Harcourt and Phipps, and the papers read by the accused in his own defence, whose authorship was ascribed to Atterbury, so affecting in their substance, so beautifully declaimed, that the ladies used their pocket-handkerchiefs profusely and even some of the men—the Tory peers, Leeds, Rochester, Nottingham, so we are told—were moved to tears.[3] Haversham, it need hardly be said, was heartily in favour of the accused. After all, the doctor had not attacked the Revolution in itself, he had only adopted a different view of its character, its theoretical justification, from that which appealed to the Whigs. It seemed to Haversham 'strange to see a divine impeached for preaching a doctrine, for which he would heretofore have been rewarded, and might, if times changed, be made a bishop.

Dialogues between Sir Simon and Sir Peter (1711); *P. H.*, vol. vi, 808–84; L'Hermitage, vol. CCC, ff. 420–43 *passim*; *H. L. MSS.* (N.S.), vol. viii, Nos. 2631, 2642, 2665; Hatsell, *Precedents*, vol. iv (1796), pp. 237, 242, 248, 263–7, 280–4, 292–3.

[1] *L. J.*, vol. xix, p. 73; *The Wentworth Papers* (ed. J. Cartwright, London, 1883), pp. 110–12. 'There 's no news, but all the Ladys are making their advances to the Lords, to get tickets from them to see and be seen at the Tryal, for that reason the young Lords make a busstle to have their full number of tickets, 8 a peace, though they know there is no room for half that number.'

[2] See Burke, *Appeal from the New to the Old Whigs* (*Works*, 8 vols., Bohn's ed.), vol. iii, pp. 43–4. 'The impeachment . . . was carried on for the express purpose of stating the true grounds and principles of the Revolution; what the Commons emphatically called their *foundation*.'

[3] So at least Abigail Hill was informed. H. M. C., *Portland MSS.*, vol. iv, p. 535.

However, since he is impeached, I hope a day will come for the calling to account other criminals; for, which way soever I cast my eyes, I see matter for impeachments.'[1] Nottingham struck the first real blow for Sacheverell when he demanded to know whether it was not necessary in impeachment trials to indicate the precise words alleged to be criminal. A precedent for not doing so having been found in the case of Dr. Mainwaring in the reign of Charles I, the Houses decided by 65 to 47 against Nottingham, although the opinions of the judges were all in his favour.[2]

On March 16, 1710, there took place the first full debate in the Lords on the main issue, when it was moved that the Commons had made good their first article against Sacheverell. This first article was by far the most important, and indeed by it the whole prosecution must stand or fall.[3] If the Whig lords in the House had been against the accused from the first, recent events had not been of the sort to soften their hearts towards him. The Lord Chancellor and Wharton had been attacked in the open street; the Bishop of Salisbury had been threatened by the mob.[4] The debate inevitably resolved itself into a general discussion of the theory of the Revolution. Wharton said that the present sovereign owed her throne to a parliamentary vote consequent upon the Revolution, and that if that movement had not been a lawful one, then neither was the Queen's authority lawful. Haversham maintained, on the contrary, that the Queen's best title to the throne was hereditary. He also argued that the Commons' case amounted to a claim 'that the clergy ought to be directed by the civil power, what doctrine they ought to teach'. Nowadays

[1] This was on Jan. 12, when the impeachment was carried by Dolben to the bar of the House of Lords. *L. J.*, vol. xix, p. 32. See *P. H.*, vol. vi, 808.

[2] *L. J.*, vol. xix, p. 106. A long, reasoned protest against the decision of the House, *Complete Protests*, vol. i, pp. 189–94, entered by 32 peers, declared that 'the law and custom of Parliament, as we conceive, is to be determined by constant course and practice, and not one precedent . . .'

[3] This was the article in which Sacheverell was accused of having maintained that the Revolution had been brought about by odious means, and was not an example of resistance.

[4] *Portland MSS.*, vol. iv, p. 532.

' the divine appointment of government was being lost sight of and people considered only of a discretionary obedience '.[1] The Bishop of Oxford, on the authority of the Scriptures and of Sir Thomas Smith, approved the Revolution, and suggested that while passive obedience was a truly Christian duty, ' a perpetual duty as to obligation ', it was only ' occasional as to the practice of it ! ' [2] The Bishop of Bath and Wells, while approving the Revolution, was evidently doubtful about its respectability. ' We ought to throw a mantle over it, and rather call it a vacancy or abdication.' The phrase ' original contract ' was most dangerous, and should only be used with great caution.[3] The Duke of Argyll used the occasion to make a general attack upon clerical influence. In all ages the clergy had delivered up the rights and liberties of the people, and preached up the royal power, in order to control it themselves. The moral was that they ought not to be allowed to meddle in politics.[4] Burnet's contribution to the debate was a lengthy and, as he was himself evidently aware, also a wearisome disquisition, in which he gave an account of the Church's doctrine on the subject of resistance from Deuteronomy and the days of primitive Christianity downwards, together with a digest of English history from the reign of Henry VIII to 1689.[5] The principal Tories, the Archbishop of York, Buckinghamshire, Nottingham, Rochester, Carmarthen, all spoke for Sacheverell, the gist of their argument apparently being that the doctor's sermons might perhaps be poor nonsensical stuff, but even so, there was nothing in them to render him guilty of a misdemeanour.[6] By a majority of nineteen the House decided that the Commons had made good their first article.[7]

A debate of the same character took place next day on the remaining articles. Dr. Wake, the eminent Bishop of Lincoln, afterwards primate, explained at length the doctrine of the Church of England regarding toleration. Burnet

[1] *P. H.*, vol. vi, 832–6. [2] *Ibid.*, 836–46. [3] *Ibid.*, 846.
[4] *Ibid.* [5] *Ibid.*, 847–60. [6] *Ibid.*, 860.
[7] *L. J.*, vol. xix, p. 110. Protest against this decision, *Complete Protests*, vol. i, pp. 195–6.

was very vehement. Haversham wanted to know why we should allow infallibility to the Commons which we denied the Pope of Rome.[1] The House duly decided that the Commons had made good all their articles of impeachment.[2] Subsequently, there was a good deal of quibbling as to the precise form in which the question of the culpability of Sacheverell should be put to the Peers, the most material suggestion being one originally made by Lord Guernsey, and strongly supported by other notable Tories, that instead of simply putting the bald question—was the accused guilty or not guilty, the articles should be taken *seriatim* and an answer given on each.[3]

It was significant that among those who spoke in favour of this plan of Sacheverell's well-wishers was the Duke of Shrewsbury, who had only just returned to England after a long absence abroad. Shrewsbury is one of the most interesting, as he is one of the most enigmatic, characters of the period. Gifted with much charm both of presence and of manner, of outstanding natural gifts and genuine culture, something of a cosmopolitan, he never achieved the eminence for which he seemed marked out by his rank, his ability, and his opportunities.[4] He seems to have been lacking in self-confidence and over-sensitive to criticism, and certainly office had no attractions for him. He came out decisively as a supporter of William of Orange in 1688, and he was to figure prominently at one other crisis in the near future,

[1] *P. H.*, vol. vi, 879.

[2] *L. J.*, vol. xix, pp. 111–12.

[3] *Ibid.*, p. 113; *P. H.*, vol. vi, 880–4.

[4] Macky, 'Never was a greater Mixture of Honour, Virtue, and good sense, in any Person than in him; A Great Man, attended with a sweetness of Behaviour, and Easiness of Conversation, which charms all who come near him: Nothing of the Stiffness of a Statesman, yet the Capacity and Knowledge of a piercing Wit. . . . And although but one Eye, he has a very charming Countenance, and is the most generally beloved by the Ladies of any Gentleman in his Time.' See also *Remarks and Collections of Thomas Hearne* (ed. Doble and Rannie, Oxford, 1885–95), vol. i, p. 140. There is no modern biography of Shrewsbury; an anonymous life was published in 1718.* See, however, his *Correspondence* (ed. W. Coxe, 1821); J. Vernon, *Letters Addressed to the Duke of Shrewsbury* (ed. G. P. R. James, 3 vols., 1841), and *Shrewsbury Papers* in H. M. C., *Buccleuch MSS.*, vol. ii; *D N. B.*, vol. lv, pp. 301–7.

but notoriety was the last thing he desired for himself. He had hitherto always been identified with the Whigs, but Harley had already been closeted with him, and he now on the Sacheverell question sided unequivocally with the Tories. He was to act later on for Harley's Administration as principal negotiator of the peace. His speech on this occasion was the first indication of the possibility of such developments. When another of the great Dukes—Somerset—followed, Shrewsbury into Harley's camp, a Ministerial crisis was assured. Public outcry and the machinations of Harley needed but the co-operation of one or two magnates to bring the Whig ascendancy to an end.[1]

Shrewsbury did not consider Sacheverell guilty on the first and all-important article, though, as he said, 'he had had as good a share as any man in the late Revolution'.[2] It was argued that unless the several articles were taken one by one, it might happen that Sacheverell would be found guilty, though on each particular count a majority regarded him as innocent. Nevertheless, the Tory proposal was rejected.[3]

On March 20 in Westminster Hall the doctor was found guilty by 69 votes to 52.[4] The accused thereupon in a brief speech lodged the complaint that the words alleged to be criminal should have been specified. Their lordships adjourned to their own Chamber to discuss this objection, and dismissed it. On the following day sentence was pronounced—the doctor's suspension from preaching for three years, and the burning of the offending sermon before the

[1] Somerset, known as 'the proud Duke' because of his extreme arrogance, was a very handsome man and an indispensable figure at all royal ceremonies, whether coronations or funerals. His spirited refusal to take part in one important ceremony—namely, the introduction of the papal legate at St. James's—when commanded to do so by James II, had given him a reputation for courage and patriotism. Marlborough ranked his abilities low—as incommensurate with any dignity greater than that of Master of the Horse—and it was the feeling that he had been slighted by the Marlborough-Godolphin Ministry that took him over to the side of Harley at this juncture. See *D. N. B.*, vol. li, pp. 297–9.

[2] *P. H.*, vol. vi, 883–4.

[3] *L. J.*, vol. xix, p. 115; see also *Complete Protests*, vol. i, pp. 197–8.

[4] *L. J.*, vol. xix, p. 118.

Lord Mayor and Sheriffs of London. This trivial penalty was a confession of impotence. The judges were afraid to rouse the indignation of the clamant populace, of whose enthusiasm at any rate in London they were only too acutely aware, by a more drastic punishment. Sacheverell and the fanatical mob had beaten the House of Lords and the Whigs. The offending divine travelled to his new living in Worcestershire a hero and a conqueror.

CHAPTER IV

THE TORY ADMINISTRATION, 1710–14

THE Sacheverell trial was decisive in crowning with success the machinations of Harley and Mrs. Masham and in bringing about the Ministerial crisis, of which the first sign to the outer world was the dismissal of Sunderland on June 13, 1710. Harley did not originally propose the creation of an entirely Tory Ministry.[1] His early negotiations had been carried on with such moderates as Shrewsbury, Argyll, and Somerset, and he assured Cowper that a Whig game ' was intended at bottom '.[2] But the plan of a coalition Government had no chance of success, owing to the chagrin of the Junto, who had been as much the object of attack as Godolphin, and who had sufficient influence with the majority of their party to prevent their playing Harley's kind of Whig game, and owing perhaps still more to the general election in the autumn, in which the full effects of the Sacheverell prosecution were abundantly manifested, for there was an extraordinary turn-over of votes, and the Tories dominated the House of Commons.[3]

As a consequence the hostility between the Houses, which had existed up to 1704, was now resumed: for in the Lords the slight Whig majority still existed. It is, then, in the Upper House that the parliamentary conflict of the last four years of the reign of Queen Anne is most important. In the Commons the Whigs could not make an effective fight; in the Lords they could still be formidable. The unexpected dissolution of Parliament had disappointed the Junto of their hopes of rendering the Ministerial revolution

[1] Swift, *Journal to Stella* (*Works*, vol. ii), p. 22, Oct. 6, 1710. 'But I have been told that Mr. Harley himself would not let the Tories be too numerous, for fear they should be too insolent, and kick against him.'

[2] See *Portland MSS.*, vol. iv, pp. 536–53 *passim*; *Cowper's Diary*, p. 43.

[3] See on these negotiations *Portland MSS.*, vol. iv, pp. 537–53, and on the elections, *ibid.*, pp. 551–99 *passim*; Tindal, vol. xviii (v), pp. 327–30; K. Feiling, *History of the Tory Party, 1640–1714* (Oxford, 1924), chap. xv, esp. pp. 418–20.

abortive, but they could carry on a harassing warfare against the new Government in their own Chamber.

The markedly cold and reserved tone of the Lord's address at the opening of the session was significant. In the royal speech the customary reference to the successes of the campaign was omitted, and for the word 'toleration' was substituted Sacheverell's phrase, 'the indulgence granted by law to scrupulous consciences.' In their reply the Peers emphasized the need of carrying on the war with vigour in all parts, especially Spain, and concluded baldly with the words, 'We have no more to add'—'a very cold strain of rhetoric', as Burnet quaintly styles it.[1]

The first serious debates in the new Parliament turned once more upon the war in Spain, and especially upon the disaster of Almanza.[2] There was much discussion concerning a council of war which had been held in Valencia prior to the battle, at which Galway and Peterborough had taken different views. As Galway's opinion had led directly to defeat, there was a presumption perhaps that Peterborough had been in the right. The House being in committee on January 5, 1710/11, various questions were put to Peterborough, which he answered with arguments already given to the world in the pamphlet written in the Earl's interest by Dr. Friend, which severely reflected upon Galway.[3]

On the 9th a narrative by Galway of his campaigns in Spain was laid before the House. The Queen heard the ensuing debate and there was also an attendance of strangers, to whose presence Godolphin objected unsuccessfully.[4] Argument turned upon the question whether the present inquiry amounted to an accusation, the Whigs asserting that in

[1] *P. H.*, vol. vi, 929; Burnet, vol. ii, p. 558.

[2] On the following debates see A. Boyer, *The Political State of Great Britain* (60 vols., 1719–40), vol. i, pp. 71–191, 203–6; a pamphlet entitled *The History and Defence of the Last Parliament* (1713), pp. 25–60; L'Hermitage, vol. EEE, ff. 35–9.

[3] *P. H.*, vol. vi, 955.

[4] Abel Boyer was among these strangers, and he attended the House regularly during these debates on the question of Spain. 'I shall give you an account', he writes, 'with the more Freedom, because, I suppose, one of the Reasons why the Lords admitted so many Strangers in their House, was, That all the World might know, with what Candour they proceeded in so important an affair'; Boyer, *Political State*, vol. i, p. 77.

effect it did. The proceedings of this day terminated with the adoption by 59 to 49 of a motion 'that the Earl of Peterborough has given a very faithful, just and honourable account of the councils of war in Valencia'.[1] On January 11 the discussion was resumed, and the House proceeded to a step which was the logical outcome of the adoption of this motion, the Earl of Paulet[2] moving that the decision of Lord Galway, taken at the Valencia conference, to prosecute an offensive war had been the occasion of the defeat at Almanza. A petition was now put in by the Duke of Bedford[3] from the Earl of Galway that time should be allowed him to prepare an answer before the House came to a decision on the matter. Wharton argued that 'a censure is a punishment; that to censure men without giving them an opportunity to make their defence is equal to a punishment'. The prevailing opinion, however, was that as no accusation had been formulated the petition was irregular and ought to be ignored.[4]

A discussion of some interest took place on the next day (January 12), when the Earl of Scarsdale[5] endeavoured to fasten upon the Ministry part of the responsibility for the Almanza disaster in a motion stating that the design of an offensive war in Spain had been approved and directed by the Cabinet Council.[6] This term he subsequently changed to 'Ministers'. Cowper objected to both names, as of 'uncertain signification', and particularly to Cabinet Council as 'a word unknown to the law'. 'If', he continued, 'that august assembly proceeded to a censure upon men, the world ought to know who they were.' He had been a member of the late Administration, and he would want to know, if there was a censure upon it, whether he was included or not. There was a rambling disputation upon constitutional terms, in the course of which Peterborough gave it as the distinction

[1] *P. H.*, vol. vi, 955; *L. J.*, vol. xix, pp. 188–9.

[2] Fourth baron and first earl, 1663–1743. See *D. N. B.*, vol. xlvi, p. 230–1.

[3] The third duke, 1703–32.

[4] *P. H.*, vol. vi, 961–3; *L. J.*, vol. xix, p. 190; *Complete Protests*, vol. i, pp. 198–200.

[5] Fourth and last earl, 1682–1736. See Doyle, *Official Baronage of England*, vol. iii, p. 288.

[6] *P. H.*, vol. vi, 970–4.

between Privy Council and Cabinet Council, that the former were such as were thought to know everything and knew nothing, while the latter thought nobody knew anything but themselves. The proceedings on this day terminated with a resolution for a vote of thanks to Peterborough which expressed the view that the acceptance of his advice ' might, very probably, have prevented the misfortunes that have happened since in Spain '.[1]

On January 17 the House was occupied with the portentous fact that Galway had dared to give the right of the line, the post of honour in battle, to the Portuguese instead of to the British. By a majority of 64 to 44 it was determined that in doing so he had ' acted contrary to the honour of the imperial crown of Great Britain '. Endeavours had been made during the debate to soften this censure, at least to tone down the wording of it. But in vain. Marlborough on this occasion, as throughout these proceedings, did yeoman service in the cause of his brother-in-arms. He argued that out of compassion for Galway's age and his disablement sustained in the field, the loss of an eye and an arm, the House should be tender of his reputation. Marlborough was answered by the Duke of Argyll, whose military ambitions made him intensely jealous of Marlborough, and who had been fighting as strenuously against Galway as the other for him. The chief of the Campbells, one of the outstanding men of the age, had made a great reputation for himself in the campaign in Flanders, more particularly by his conduct at the battle of Malplaquet. He had certainly acquired a great hold over the respect of his troops, and in his own estimation he had no superior among British generals. He now observed suavely that the noble duke's compassion was known to be very great, and he agreed that compassion was a very good thing, and out of compassion to his Queen and country he must insist upon the question as it had been moved and seconded.[2]

[1] *P. H.*, vol. vi, 981 ; *Complete Protests*, vol. i, pp. 201–2, for protest against the resolution.

[2] *Wentworth Papers*, pp. 176, 178–9 ; Roger Coke, *A Detection of the Court and State of England*, pp. 395–7. On the character of John, second

On January 31, the unfortunate Galway having been disposed of, the majority in the Lords turned once more upon the late Administration, when they debated an alleged serious discrepancy between the number of troops voted by Parliament for service in Spain and the number of effectives present at Almanza, a question which had been raised in the Lower House by St. John in the previous Parliament.[1] The debate culminated in a resolution of censure upon the late Ministers for having 'greatly neglected the service, which was of the greatest importance'.[2] A protest against this decision, signed by thirty-seven peers, which took the form of a vigorous vindication of Godolphin's Ministry in respect to the Spanish war, was so strongly resented by the majority that on February 8 they carried a motion for the expunging of the greater part of it.[3]

Such in the barest outline were the proceedings of the House of Lords relative to the disaster of Almanza. Their importance lies less in the discussions themselves than in the fact that the new Administration was able throughout to rely upon a comfortable majority of ten or a dozen, and succeeded in passing a strong vote of censure upon their predecessors, who had always in their days of power enjoyed the support of the majority of the peers. There had been no change of personnel in the meantime, and this change in the attitude of the House clearly had not been anticipated. Peter Wentworth, giving an account of the first of these debates, writes: 'At present I shall tell you that the Torys has such a majority even in the house of Lords that they carry what they please, much to the surprise of the late Ministry and their friends, who thought themselves sure of

Duke of Argyll see *infra*, pp. 194–5. See also *D. N. B.*, vol. viii, pp. 369–73. A satisfactory biography is much to be desired. That by Robert Campbell (1745) is quite inadequate. Argyll sat in the House as Earl of Greenwich, having been given his English title in 1705. See *infra*, p. 150 *n.*

[1] The numbers mentioned in the resolution were 29,395 and 13,759, respectively.

[2] *L. J.*, vol. xix, p. 209; *P. H.*, vol. vi, 994. See also resolutions of Feb. 3, *L. J.*, vol. xix, p. 213.

[3] *Complete Protests*, vol. i, pp. 204–5. While the offending passages were duly expunged from the pages of the Journal they have been recovered from the manuscript notes, where the clerk had entered them.

a majority of 14 at least, wch was the number the Tories cary'd their first question.' [1]

Burnet, lamenting that ' the house of lords was so disposed that the majority believed everything that was said by the earl of Peterborough ', essays an answer to the conundrum.

' When resolutions are taken up beforehand ', he remarks, ' the debating concerning them is only a piece of form, used to come at the question with some decency ; and there was so little of that observed at this time, that the duke of Buckingham said in plain words, that they had a majority, and would make use of it, as he had observed done by others, when they had it on their side. . . . I never saw anything carried on in the house of Lords so little to their honour as this was ; some, who voted with the rest, seemed ashamed of it : They said, something was to be done, to justify the Queen's change of ministry ; and everything elsewhere had been so well conducted as to be above all censure : so the misfortune of Almanza being a visible thing, they resolved to lay the load there.' [2]

The good bishop, it may be said in passing, did not take the view of parliamentary debate which he puts forward here when his own party held office ; but, odd as his explanation may sound in modern ears, there is no reason to doubt its truth. The Queen's change of Ministry had to be justified. While we are accustomed to classify all the politicians of the time as either Whigs or Tories, contemporaries knew a third division—Queen's servants. Godolphin, writing to Harley in 1706, computed that the House of Commons then contained 190 Tories, 160 Whigs, and 100 Queen's servants.[3] The last were by no means a negligible element. George III was not the first to create a party of King's friends. Familiarity with the terms Whig and Tory must not cause us to forget the older terms, Court party and Country party. The Queen's Ministers could always count, not only upon politicians of the same principles as themselves, but also upon those who were for the Government, of whichever complexion it might be. Bribery by means of places was partly responsible for this state of affairs, but it was largely

[1] *Wentworth Papers*, p. 173. [2] Burnet, vol. ii, pp. 560–2.
[3] *Portland MSS.*, vol. iv, p. 291.

due also to a conviction that the Queen's Government must be carried on. Criticism of individual Ministers, attacks on particular items of policy are perfectly legitimate, but a pertinacious attempt to embarrass Administration has something of disloyalty in it. Feeling of this sort was at all times sufficient to lead some men to rally to the support of the Ministers of the day.

Still, the Whig party in the Upper House remained formidable. They were at a disadvantage on the subject of the battle of Almanza. There was no denying the fact of that disaster, nor the unfortunate effects it had had upon the allied cause in the Peninsula, and whatever cause those who possessed inner information had for distrusting Peterborough, he was a soldier to win the imagination of the average man, while Galway had been discredited by his defeat and was, into the bargain, a foreigner. While in Flanders Marlborough had, during the summer of 1711, been conducting one of the most brilliant of all his campaigns, breaking Villars's *non plus ultra* line, and preparing to deal with the last French fortresses, barring the road to Paris—Le Quesnoy and Maubeuge, the Tory Ministry had taken the decisive step of withdrawing the British forces from Spain and Portugal, their expedition against Quebec had proved an utter failure, and they had been carrying on peace discussions in Paris. Ministers, it appeared, could wage war successfully only where their enemy, Marlborough, was present, and their hearts were really devoted to the concluding of peace. On topics such as these the new Ministry was not likely to fare very well in the House of Lords, and in November, when the new session was due to start, Ministers were so apprehensive that they took refuge in two prorogations. Thus, on November 25, Swift writes: 'The Parliament is again to be prorogued for 8 or 9 days; for the Whigs are too strong in the House of Lords; other reasons are pretended, but that is the truth.' [1] On Decem-

[1] *Journal to Stella*, p. 287. Cf. *Wentworth Papers*, p. 215. Lady Strafford (Nov. 27) writes: 'The Parliament is put off tell friday sevenight most people think 'tis because the Scotch members are not yet com up, and they are all of the court party, and the whiggs are all in town to a man.'

ber 1 he is still more emphatic. 'The Whigs will have a great majority in the House of Lords; no care is taken to prevent it; there is too much neglect.'[1] A few days later he has had wind of something very serious indeed—the defection of Nottingham, Tory of Tories, to the Whig side. Oxford's[2] friends had been uneasily watching the Whig preparations during the recess for their forthcoming offensive. 'They have mischief in their heads', writes one correspondent to the Minister. There has been 'a great meeting of them at Lord Orford's to the number of seventeen, almost all Lords, Robin Walpole amongst them'.[3] A few days later Paulet writes: 'I find Nottingham as sour and fiercely wild as you can imagine anything to be that has lived long in the desert.'[4] Whether his motive was simply pique at having been left out by the present Administration or honest disapproval of its policy, Nottingham's feelings were so strong on the matter that they could not be satisfied by simple neutrality, and he concluded a bargain with the Opposition, which was creditable to neither party to the transaction. The Whigs secured the disappointed earl's powerful support for their intended resistance to the preliminaries of peace which the Government had been negotiating through the intermediacy of Matthew Prior in Paris[5] at the price of their acquiescence in his darling scheme, which they had hitherto zealously opposed, a bill for the suppression of occasional conformity. Swift's comment runs: 'The Whig lords are doing their utmost for a majority against Friday, and design, if they can, to address the Queen against the peace. Lord Nottingham . . . is gone to the Whig side; they toast him daily, and Lord Wharton says, "It is Dismal (so they call him for his looks) will save England at last."'[6] Notwithstanding these machinations, Swift had become distinctly more confident on the eve of the opening of Parliament, though by no means free of anxiety, for he writes: 'To-morrow is the fatal day of

[1] *Journal to Stella*, pp. 290–1.
[2] Harley had been created Earl of Oxford and Mortimer on May 24.
[3] Sir C. Davers, Nov. 1. *Portland MSS.*, vol. v, p. 106. [4] *Ibid.*, p. 129.
[5] See L. G. Wickham-Legg, *Matthew Prior* (Cambridge, 1921), pp. 144–67.
[6] *Journal to Stella*, p. 294.

parliament meeting, and we are full of hopes and fears. We reckon we have a majority of 10 on our side in the House of Lords: yet I observed Mrs. Masham a little uneasy; she assures me the Queen is stout.' [1]

Anne did her best to help her Ministers. She had interviews with Marlborough, Somers, Grafton, Cowper, and other notable Whig peers, and tried to persuade them to support the Government's peace policy, but in vain. The question of the peace was indeed fundamental, for it involved not only the Spanish succession and the balance of power in Europe, but also the commercial and maritime future of Great Britain. Inevitably party passion ran very high. Burnet had worked himself up into a paroxysm of agitation, and foresaw complete national ruin if Ministers had their way.[2] While the peace preliminaries secured Gibraltar, Port Mahon, Newfoundland, and a number of trading rights, including the *Asiento*, Spain was left in the hands of Philip of Bourbon.

Nottingham's promised intervention took place without delay. The speech from the throne on December 7, 1711, informed Parliament that arrangements had been made for a treaty of general peace, 'notwithstanding the arts of those who delight in war'.[3] Lord Ferrers moved the customary address of thanks. Immediately after it had been seconded the new champion of the Whig cause rose to declaim against the suggested preliminary 'Mat's Peace'. Its terms were insufficient and gave no security for the future. 'Though he had a numerous family, he would readily contribute half his income towards it (the war), rather than acquiesce in a peace, which he thought unsafe and dishonourable to his country and all Europe.' He therefore offered a clause for insertion in the address: 'To represent to her Majesty, as the humble opinion and advice of the House, that no Peace could be safe or honourable to

[1] *Ibid.* See also *Four Last Years of the Queen*, in *Works*, vol. x, p. 38. See also Tindal, vol. xvii (v), pp. 420–5.

[2] Burnet, vol. ii, pp. 582–3. St. John expressed the opinion that if the Queen 'is true to herself, the success of the whigs in the Lords will be their ruin and her salvation', Bolingbroke's *Letters and Correspondence* (4 vols., 1798), vol. ii, p. 53.

[3] *L. J.*, vol. xix, p. 335.

Great Britain, or Europe, if Spain and the West Indies are to be allotted to any branch of the throne of Bourbon.' [1]

Nottingham's own brother, Lord Guernsey,[2] objected that this was not the time or the season for a discussion on the peace preliminaries, and he was supported in this by North and Grey and the Lord Treasurer. Wharton challenged the view that the debate on the address was not appropriate for such a discussion, and Buckinghamshire, reckoned the best versed among the peers in rules of procedure, agreed with him. Wharton and Sunderland spoke strongly in support of Nottingham,[3] being answered by the new Earl of Anglesey, [4] who had just entered the Chamber with Ormonde. It was high time, said he, that we secured the peace, ' we might have enjoyed . . . soon after the battle of Ramillies, if the same had not been put off by some persons, whose interest it was to prolong the war.' This obvious reference to Marlborough brought the Duke to his feet to make a very spirited and really moving defence. He had had enough, he declared, both of the fatigues and the rewards of war ; he was getting old and his most earnest wish was for retirement. He had no motive for desiring a continuance of hostilities, and he had always wished for an honourable peace, but no peace could be either lasting or honourable which left a member of the house of Bourbon in possession of Spain and the Indies. Cowper, Halifax, and Burnet spoke on the Whig side ; North and Grey was conspicuous on the Tory side, putting forward the argument that the making of war and

[1] *L.J.*, vol. xix, p. 336 ; *P. H.*, vol. vi, 1036.

[2] Burnet, vol. ii, p. 583. Note by Onslow : ' Their peculiarities did often subject them to some ridicule and became proverbial. They were, however, admired by many, and in *reality* despised by none, and may be reckoned among the considerable men of the age. . . . The younger brother was deemed the abler of the two, but the elder by far the best conditioned.'

[3] Dartmouth observes (ungrammatically), Burnet, vol. ii, p. 584 *n.* : ' There was nobody spoke with more candour and sincerity in this whole debate, than the earl of Wharton, who never desired to pass for a fool, (which he always left to the more solemn gravity of his betters, as he called them, and most heartily hated,) therefore declared, that he knew it was impossible and impracticable to take Spain and the West Indies out of King Philip's hands, but it must be done : which, in plain English, was, that we must do that which could not be done, or be hanged ; to which this most apostolic bishop gave his cordial Amen.'

[4] Arthur Annesley, the fifth earl.

peace was the prerogative of the Crown, and that it was therefore improper for Parliament to tender advice on such matters unless it had been expressly asked for by the Crown. This constitutional theory was indignantly repudiated by the Whigs—the giving of advice was the express business of Parliament, and no prerogative could be above advice. After a prolonged debate, in which it was noticed Shrewsbury did not speak, the motion to insert the clause proposed by Nottingham was carried by 62 to 54.[1]

The following day the Address was reported to the House by the Committee appointed to prepare it, but the Court party, having now in their possession the proxies of eight of the Scottish peers, which had been deposited with the Duke of Hamilton and the Earl of Mar, wanted to reopen the whole question and to challenge the decision of the previous day. A motion, identical with Nottingham's, introduced into the House of Commons by Walpole, had been rejected by the crushing majority of 232 to 106.[2] So now North and Grey, acknowledging that he did not know whether he was in order or not, rose to express the hope that what had occurred in the other House might induce their lordships to find some expedient for reversing their own decision. Lord Jersey,[3] however, and others who had, like him, voted against Nottingham were aghast at the idea of so unparliamentary a suggestion as, 'when they thought they had mustered up more of their opinion', to endeavour to alter 'what the House had already decided'. It was 'subverting the very constitution of parliaments, if things might be voted and unvoted from day to day'. The address, as decided upon the previous day, therefore stood.[4] Twenty Tory peers signed a protest in the *Journals*, alleging that the clause inserted was irrelevant in an address of thanks, and that it amounted to an infringement of the royal prerogative.[5]

The joy of the Opposition over the victory in the Lords

[1] *P. H.*, vol. vi, 1039.
[2] *C. J.*, vol. xvii, p. 2, Dec. 7.
[3] William Villiers, the second earl.
[4] For this debate see *Wentworth Papers*, pp. 222–3; *P. H.* vol. vi, 1039.
[5] *Complete Protests*, vol. i, pp. 206–7.

was, notwithstanding their defeat in another place, unbounded.

'When this address was carried . . .', says Swift, 'it is not easy to describe the effects it had upon most men's passions. The partizans of the old ministry triumphed loudly, and without any reserve, as if the game were their own. The Earl of Wharton was observed in the House to smile, and put his hand to his neck, when any of the ministry was speaking, by which he would have it understood that some heads were in danger. . . . In short, joy and vengeance sat visible in every countenance of that party.' [1]

The price demanded by Nottingham had to be paid, and it was not long before payment was demanded. Nottingham himself introduced a bill for the security of the Church of England on December 15, 1711.[2] Wharton, who had been principally instrumental in arranging the pact with the High Churchman, supported the measure.[3] His complacent biographer remarks: 'I do not believe there was a Dissenter in England, but would have been glad to have voted for the bill if he could by that means have hinder'd the French Peace and secur'd the Protestant Succession.' [4] Defoe wrote to his patron, the Lord Treasurer, who though a Tory had been brought up in a Nonconformist school and had always been a patron of the Dissenters, saying that he could have rejoiced at the disillusionment of his co-religionists as to the true character of their supposed champions, had not such joy been 'like singing a Psalm at a funeral; too sad to be sonorous', and urging that it would be an immense credit to Oxford and the Ministry could the Queen be advised to refuse the bill.[5] But if faction could draw the Whigs into accepting an 'Occasional Bill', it could not draw the Tories into rejecting one, and the measure easily

[1] *The Four Last Years of the Queen*, in *Works*, vol. x, p. 38.

[2] *P. H.*, vol. vi, 1045–6.

[3] *Wentworth Papers*, p. 224; *Memoirs of Wharton*, p. 93.

[4] *Ibid.*, p. 94. Burnet salved his conscience with the consideration that Nottingham had promised 'to draw it (the bill) with all possible temper', and with the assurance that in fact he had done so; but he certainly laid himself open to Dartmouth's gibe that 'he loved faction better than the Dissenters'.

[5] *Portland MSS.*, vol. v, p. 130.

passed through all its stages in both Houses, and in due course received the royal assent.

The Whig triumph, bought thus ignominiously, proved of brief duration. The Ministers did not acknowledge themselves beaten. Instead they took the offensive and charged Marlborough and Walpole with peculation. Moreover, they took the memorable decision that a workable majority must be secured in the Upper House. The reason that the Scottish proxies, available the day after the debate on Nottingham's motion, had not been forthcoming upon the day itself, was that Hamilton, in whose keeping they were, had been in rebellious mood owing to the opposition which was being made in the House to the recognition of his full parliamentary rights as a 'British peer', although he had been created a peer of the United Kingdom with the title Duke of Brandon.[1] Hamilton's grievance was not purely personal. His Scottish colleagues resented the injury done to one of their number. The support of the sixteen representative peers was usually at the command of the Government of the day; with parties very evenly balanced in the House of Lords, their abstention was a serious matter, and they had an excellent opportunity of levying blackmail upon the Ministry.[2] Apart, therefore, from the necessity of securing the ratification of the prospective peace treaty in the Upper House, there was the further argument in favour of an augmentation of forces in the Houses, that it was desirable to teach the Scots that they were not indispensable. The Ministers decided to ask the Queen to create twelve new Tory peers, for the express purpose of carrying the peace.[3]

[1] *Wentworth Papers*, p. 224: 'Duke Hambleton wou'd not venture in the house with his proxeys till his business is decided in the house of Lords.'

[2] Burnet, vol. ii, pp. 588–9, note by Dartmouth. Oxford gave as his reasons for these creations that 'the Scotch lords were grown so extravagant in their demands, that it was high time to let them see they were not so much wanted as they imagined; for they now came to expect a reward for every vote they gave'.

[3] Cf. the story of how Harley suggested the idea to the Queen given by R. Wodrow, *Analecta* (4 vols. Maitland Club, 1842–3), vol. ii, p. 8. An interesting modern parallel is afforded by Gladstone's request to Queen Victoria in August 1869 for the creation of twelve new Liberal peers. The Government had experienced great difficulty in securing the passage of the Irish Church Disestablishment Bill through the House of Lords. The Conservative

Lord Dartmouth tells us that he was much surprised when the Queen informed him that she intended to make the new creations asked for. He ' doubted very much of the expediency, for I feared it would have a very ill effect in the house of lords, and no good one in the kingdom '. She said she had made fewer lords than any of her predecessors. It is true that Anne's elevations to the peerage had been by no means lavish,[1] and that, save for Oxford himself, Harcourt, and Boyle,[2] the new Ministry had added no one to its strength in the Upper House. To modern eyes the number of twelve seems modest. Nevertheless, the step taken was revolutionary, and we need not wonder at the stir which the event produced or at its remoter consequences, first the inclusion among the counts in the impeachment of Oxford in 1715 of the alleged fact of his having advised the Queen to take this step, and secondly the famous Peerage Bill of 1719. The objection was bound to be raised that the creating peers ' to serve a turn, was, in effect, making a house of peers a property to the court ; . . . which would make our liberties precarious . . . that this was a precedent, which might be made use of to enslave the nation, and introduce a popish pretender, or the popish religion '.[3] It undoubtedly was a dangerous precedent from the point of view of one who regarded the House of Lords as essentially

majority in the Chamber was so large that there was no idea of endeavouring to swamp it. But Lord Granville urged these dozen creations upon the Queen in order to give the Ministry some moral support in the House. The creation of three or four new peers was insufficient for that purpose, ' they get awed by the atmosphere in which they find themselves.' It is, Granville went on, ' disadvantageous to the Lords that it should be difficult to initiate measures in it. It is not good for the Crown that its servants should be helpless in either branch of the Legislature.' See Lord E. Fitzmaurice, *Life of the Second Earl Granville* (2 vols., 1905), vol. ii, pp. 15–18. The Queen acceded to the request, though very reluctantly.

[1] William III created 30 new peers. As 21 titles became extinct, there was a net increase in the membership of the House of 9. Anne created the same number of peers, but 24 titles becoming extinct during her reign the net increase was only 6. See *P. H.*, vol. vii, 593, for a useful list.

[2] Charles Boyle, fourth Earl of Orrery (in Ireland), editor of the *Epistles of Phalaris*.

[3] See Tindal, vol. xviii (v), pp. 441–2 ; Boyer, *Queen Anne*, p. 532 ; *P. H.*, vol. vi, 1061–2 ; *An Inquiry into the Miscarriages of the Last Four Years of the Reign* (1714, Brit. Mus. Political Tracts, 8132), p. 15.

a restraining Chamber, intended to keep in check a lower assembly prone to an ebullient rashness, and its frequent adoption might be expected seriously to weaken and degrade the House. The view that there must be some means of preventing the House of Lords from overriding the wishes of the great majority of the people on a question of high import was not one which appealed to either Whig or Tory at the opening of the eighteenth century. Nevertheless, the most interesting and important result of this creation of twelve peers in 1712 was not that the Administration of that day was thus enabled to push its peace policy through Parliament, but that it afforded the means whereby the will of the people did prevail at a great crisis in the national history, that the passing of the great Reform Bill of 1832 and of the Parliament Act of 1911 owes everything to this precedent in the reign of Anne.

Inevitably, the recipients of the new honours met with a good deal of ridicule. Who were these upstarts, willing to come into the House *en masse* in order to oblige the Ministry?[1] Lady Strafford tells us a tale of the town, that the Duchess of Shrewsbury, who was an Italian, went to visit Lady Oxford, and commenced the conversation with the remark, 'Madam, I and my Lord are so weary of talking Politics, what are you and your Lord?' Lady Oxford sighed, and said, 'She knew no Lord but the Lord Jehovah.' On which the Duchess exclaimed, 'Oh, dear! Madam, who is that? I believe 'tis one of the new titles, for I never heard of him before.'[2] When the new peers were to be introduced, the Duke of Buckinghamshire was for having them sworn in together, to save time.[3] When the new-comers performed their first service for the Government, in voting for the adjournment of the House in accordance with a special message from the Queen—this being carried by thirteen—Wharton ironically inquired of one of the

[1] However ignominious, the privilege of obliging the Ministry was not unattractive. See, for example, *Portland MSS.*, vol. v, p. 136. Richard Norton writes to Oxford, Jan. 8, 1711/12, to say that if it is not too late, 'then I beg leave to say that I should be most glad to serve you in the Upper House.' His income is not less than £4,000, and he has no sons.

[2] *Wentworth Papers*, p. 263.

[3] *Ibid.*, pp. 237–8.

twelve, when the question was put, whether they voted by their foreman.[1]

From the point of view of the Ministry the present gain was well worth the price of a doubtful precedent. Their supporters were jubilant. 'We are all safe,' exclaimed Swift, 'all extremely happy.' At last the Queen and the Lord Treasurer were aroused.[2] To be sure, as Swift notes a little later: 'There is but a slender majority in the House of Lords; and we want more.'[3]

The extreme value of these dozen new votes was signally demonstrated on more than one occasion before the end of the reign, when they just turned the scale. Peril lay not in the proceedings in Parliament, but in the party's own internal divisions, the personal jealousies of its leaders, and in the successful efforts of its Whig opponents in fostering at the Electoral Court in Hanover the belief that the Tory policy threatened the security of the Protestant succession.

Bills for restoring lay patronage in Scotland—a sop to the Scottish peers—and for ridding the House of Commons of place-men, may be passed over as having no bearing upon the main political issues of these critical years—which at any rate in the eyes of the Whigs seemed interwoven, viz. the peace and the succession. At the opening of the session in January 1711/12, Queen Anne announced that the formal peace conference was about to commence at Utrecht. The most notable event of the session took place in the House of Commons, where Sir Thomas Hanmer and St. John were mainly responsible for a representation to the Queen which was for the most part an arraignment of our allies, who were accused of having broken their pledges to us. This manifesto simply portended the Government's intention to make a peace with France behind the backs of our

[1] *Wentworth Papers*, pp. 239–40. The twelve new peers were Compton, eldest son of the Earl of Northampton; Bruce of Wharton, eldest son of the Earl of Ailesbury; Paget, created Lord Burton; Dupplin, created Lord Hay; Granville, created Lord Lansdowne; Willoughby, created Lord Middleton; Windsor, created Lord Mountjoy; Bathurst, Foley, Mansel, Masham, and Trevor. See G. E. C[okayne], *Complete Peerage* (new edition in progress), vol. i, p. 61 *n*. See also *infra*, Appendix A.

[2] *Journal to Stella*, p. 308.

[3] *Ibid.*, p. 327, Jan. 28.

allies.[1] The proceedings in the Upper House were less noteworthy. The terms of peace suggested by the Marquis d'Huxelles, the French plenipotentiary at Utrecht, became known, and as they included the retention of Spain and the Indies there was much indignation in the party whose watchword was: 'No peace without Spain.' Some Tories were also inclined to be critical. It appeared that the country was not going to get as much out of the war as it ought to get. Better terms had been procurable in 1710 at the conference at Gertruydenberg. On February 16 Halifax brought in a motion for an address to the Queen, in which the French proposals were stigmatized as 'trifling, arrogant, and injurious to her Majesty and her allies'.[2] He was supported by peers of both parties, and the address was agreed to. Swift's comment is: 'The Whigs brought it in of a sudden, and the Court could not prevent it, and therefore did not oppose it. The H. of Lds is too strong in Whigs, notwithstanding the new Creations; for they are very diligent, and the Toryes as lazy: the side that is down has always most Industry.'[3]

At this time St. John was all-powerful in the House of Commons, and his influence and his driving force are more and more clearly discernible in the policy of the Government. Just as to him are due the 'restraining orders' to Ormonde, which during the summer of 1712 immobilized our forces in Flanders, so also he is responsible for repealing a measure passed in the previous Parliament for the naturalization of foreign Protestants, and for a bill for the appointment of commissioners to examine into all royal grants of land 'and other interests' made since 1688. This was a direct attack upon the great Whig peers, many of whom had profited materially by the generosity of William III. But the design was unsuccessful. Bills of this type had never been very favourably received in the House of Lords, however strong vindictive feelings against certain individuals might be there. The Peers as a whole were too much con-

[1] *C. J.*, vol. xvii, pp. 119–23; Swift's *Four Last Years of the Queen*, pp. 99–114. There was severe criticism of the Barrier Treaty.

[2] *P. H.*, vol. vi, 1108–9.

[3] *Journal to Stella*, p. 338.

cerned for the security of the sacred rights of property.[1] Anticipating trouble in the Upper House, the supporters of the bill in the Commons considered the expediency of tacking it to a lottery bill, but this project was abandoned on the assurance being given that heavy influence would be brought to bear upon the Lords to carry the measure through in their Chamber without the tack.[2] Indeed the issue of the debate on the second reading was doubtful up to the last moment. The Opposition concentrated on the selection of the date 1688. Argyll declared that he would have been ready to support a scheme for the review of all grants back to the Restoration, but to fix upon the date of William III's accession 'would be injurious to the memory of the deliverer of Great Britain, and all Europe'. Wharton, Cowper, and Halifax spoke to the same effect. So also did Nottingham, although his son had supported not only the bill itself but the 'tack' suggestion in the Commons. The Lord Treasurer's statement that the Commissioners would no doubt confirm all the grants to which a good claim could be made, carried no weight with the Opposition, and his assurance that in no case would the grants be resumed absolutely was pertinently met by Wharton's reference to the resumption of the Irish grants in the previous reign.[3] In the end the voting was equal—78 on each side (including 25 proxies for the affirmative, 26 for the negative)—which meant that in accordance with the rule *praesumitur pro negante*, the bill was rejected.[4]

On May 27 an important debate took place on the 'restraining orders', Halifax moving for an address 'humbly to desire her Majesty to lay before the House the orders she had sent to the general, and to order him to act offensively with the allies'.[5] Oxford made the only possible sort of

[1] Swift's *Four Last Years of the Queen*, pp. 121–2. Page 122: 'Those who were of the party opposite to the court, withstood it to a man, as in a party case: among the rest, some were personally concerned, and others by friends and relations, which they supposed a sufficient excuse to be absent, or dissent.'

[2] See *P. H.*, vol. vi, 1130. For the debate in the Lords see 1130–2.

[3] Cf. *The House of Lords in the Reign of William III*, pp. 200–9.

[4] *L. J.*, vol. xix, p. 287. May 3, 1711. [5] *P. H.*, vol. vi, 1135–6.

defence of an action which on the face of it seemed a traitorous abandonment of our allies. The orders, he declared, could not be divulged save by direct order of the Queen. It was imprudent to hazard a battle, he argued, and to sacrifice many lives when on the point of concluding a good peace, especially as they had to deal with an enemy 'so apt to break his word'. The whole speech so far had been laboured; the last remark was a *faux pas* of the feeblest kind, and Wharton was quick to take advantage of it. If the enemy was untrustworthy, that was an excellent reason 'for pushing him with the utmost vigour, till he was reduced to the necessity of dealing honestly'. Oxford blundered on, not making matters any better by saying that though the Commander-in-Chief was against risking a general action, he might be willing to concert with the allies in siege operations, for Marlborough instantly tore the distinction to shreds—a siege might at any moment precipitate a general engagement. Oxford's had been but a bungling performance. Swift records that 'it was reckoned as a wrong step in politics for Lord-Treasurer to open himself so much. The Secretary would not go so far to satisfy the Whigs in the House of Commons, but there all went swimmingly.'[1]

Argyll followed Marlborough, taking the opportunity to provoke his hated rival by gratuitously referring to Prince Eugene as the greatest general since Julius Caesar. It was Tory legend that the Prince had won all Marlborough's victories for him. But Paulet went much farther, when he averred 'that nobody could doubt the Duke of Ormonde's bravery, but that he was not like a certain general, who led troops to the slaughter, to cause a great number of officers to be knocked on the head in battle, or against stone walls, in order to fill his pockets, by disposing of their commissions'. Marlborough took no notice of this brutal and outrageous attack at the time, but immediately after the House had risen sent a challenge to Paulet, who, however, was placed under arrest by Lord Dartmouth as Secretary of State, while the Queen sent an injunction to the Duke that the

[1] *P. H.*, vol. ii, 1136; *Journal to Stella*, p. 370.

affair should proceed no farther, so that in this way a duel was averted.[1]

A forcible speech was made by the Duke of Devonshire,[2] who, declaring that as a near relation of the Duke of Ormonde he was peculiarly concerned for his honour, expressed his amazement ' to see any one dare to make a nobleman of the first rank, and of so distinguished a character, the instrument of such a proceeding '. Cowper and other Whigs avowed their apprehensions of ' a separate peace ', their anxiety aroused by the obscurity in which negotiations were being conducted. The Earl of Strafford, one of the plenipotentiaries at Utrecht, was called upon for explanations of what was going on, which he refrained from giving. But the situation seemed so serious that Oxford felt it necessary to intervene in the debate once again, to assure the House that fears were groundless, that in a few days' time the actual terms of peace would be laid before the House, and that they would be found to be such as would give satisfaction to every member of the House and all true Englishmen. After this statement the sense of the House was against pressing the matter further before the terms of peace had been studied, and Halifax, seeing that the general opinion was against him, wanted to drop his motion. To this, however, the Court party, seeing the chance of a decided victory, would not agree, and they insisted on a division on a motion for the adjournment, in which they secured the handsome majority of 68 to 40. Of the latter 27 entered a strong and effective protest against the ' restraining orders ', a protest which a fortnight later the Court party caused to be expunged. The orders to Ormonde, ran the protest, were ' a sort of imposing upon our allies a cessation of arms, without their consent '.[3] It is worthy of note that the name of Haversham figures among the signatories with others so illustrious as Wharton, Orford, Godolphin, Somers, Nottingham, Marlborough, Halifax, Burnet.

[1] See Coxe, *Life of Marlborough*, vol. iii, pp. 309–10. See generally on the debate, *ibid.*, pp. 304–9; *P. H.*, vol. vi, 1135–8; *The History and Defence of the Last Parliament*, pp. 189–95.

[2] The second duke, 1673–1729.

[3] *Complete Protests*, vol. i, pp. 209–12.

On June 6 the Queen announced to Parliament the principal arrangements of the peace. In the House of Commons no debate took place, and the address of thanks was voted enthusiastically. It was otherwise in the other House, where next day there opened an acrid discussion. Marlborough inveighed against the whole conduct of affairs during the past year as 'directly contrary to her Majesty's engagements with her allies'. It 'sullied the triumphs and glories of her reign, and would render the English name odious to all other nations'.[1] Cowper taunted Strafford, our principal representative at Utrecht, with having been so long out of the country as to have almost forgotten both its language and its constitution.[2] Strafford did not deserve such abuse. He was merely a mediocrity, and whoever was responsible for the Treaty of Utrecht, it certainly was not the man nominally in charge of the negotiations, as the most cursory glance at Bolingbroke's diplomatic correspondence will show.

The address of thanks proposed in the Upper House ended with the words, 'to assure her that this House did entirely rely upon her wisdom to finish this great and good work'. The Opposition took exception to the words, and wanted the insertion of a new clause asking Her Majesty to 'take such measures, in concert with her allies, as might induce them to join with her Majesty in a mutual guarantee'. This amendment was rejected by a great majority of 81 to 36. Twenty-six of the latter entered a lengthy protest against the peace terms, and alleging that they were the result of a separate negotiation carried on in France without consultation with our principal allies, which was contrary to the stipulations of the Grand Alliance.[3]

Criticisms of the peace settlement reappeared during the following session. The definitive treaties were, after protracted delays, signed at Utrecht between March 31 and April 11, and at the opening of the session on April 9 the Queen announced this joyous event.[4] The brunt of the attack in both Houses fell upon that part of the peace settlement

[1] *L. J.*, vol. xix, pp. 471–2.
[2] *P. H.*, vol. vi, 1145–7.
[3] *Complete Protests*, vol. i, pp. 213–17. Inserted on June 7, this protest was expunged on the 13th.
[4] *L. J.*, vol. xix, p. 512.

which perhaps in the eyes of posterity has appeared the most praiseworthy—the commercial treaty which secured a large measure of free trade between Great Britain and France. The manufacturers were up in arms, and they rained petitions upon Parliament, declaring that the only result of this treaty would be to create a permanent balance of trade against us. Their cause was readily adopted by the Whigs who in any case regarded themselves as the natural protectors of the moneyed interest and who were delighted to have a new war-cry against Ministers. While Stanhope led the Whig opposition to the treaty in the Commons, Somers, Halifax, and Cowper, with their strange bedfellow, Nottingham, did so in the Lords.[1] It was in the Commons that the *coup de grâce* was administered to this commercial project, Sir Thomas Hanmer and his personal following going over to the Whig side on this issue.

Another subject, which was to loom considerably in the final months of the reign, emerged before the conclusion of this session. It was the Whig game to create the impression that there was a want of zeal on the part of the Government for the Protestant succession. Wharton must needs move an address desiring Her Majesty to use her influence with the Duke of Lorraine to have the Pretender, who was then residing at Bar-le-Duc, excluded from his dominions. North and Grey opposed, because such an address implied distrust either of Her Majesty or her Ministers—besides, the Pretender must live somewhere. Nevertheless, the motion was carried by a large majority.[2] The motives for voting against it might be grievously misinterpreted. On July 16 the session came to an end, and on August 8 Parliament was dissolved. 'As this was the worst parliament I ever saw', remarks Burnet sourly, 'so no assembly, but one composed as this was, could have sat quiet under such a peace.'[3] But the peace was, outside Parliament at all events, decidedly popular, and most people, tired of pro-

[1] See *L. J.*, vol. xix, p. 512; *Bolingbroke's Correspondence*, vol. iv, pp. 139, 152, 165. Anglesey, like Hanmer, became 'squeamish' about the commercial treaty.

[2] See *L. J.*, vol. xix, p. 591; *P. H.*, vol. vi, 1233; Burnet, vol. ii, p. 629.

[3] Burnet, vol. ii, p. 631.

longed war, had received it with acclamation, so that the Ministry were induced to take full advantage of the national satisfaction while it lasted and secure a new lease of power.

The results of the general election came up to expectations, and once again a strong Tory majority was returned to the House of Commons. Yet the Ministerial position was very far from happy. The defection of Hanmer on the subject of the commercial treaty, the marked lukewarmness of Oxford with regard to it, had shown very clearly how serious were the divisions within the ranks of the Tory party, what with its Highfliers and its 'Whimsicals' or Hanoverian Tories, its October Club, its March Club. But the most serious feature of the situation was the growing animosity between Oxford and Bolingbroke. The breach had certainly started as early as February 1711, when the Lord Treasurer complains that the Secretary 'began listing a party, and set up for governing the House'.[1] Oxford's natural desire to retain his colleague's brilliant services as long as possible in the House of Commons in the interests of the Government's foreign policy had been a grievance; so, when St. John was at length promoted in July 1712, was the fact that he was made not an earl but a viscount. He was, he afterwards complained, 'dragged into the house of lords in such a manner, as to make my promotion a punishment, not a reward.'[2] Oxford's version is: 'Nothing could appease a restless, ambitious man.'[3] But more important than personal jealousies were radical differences of temperament and policy. The two Tory leaders whose names are commonly bracketed together as though they had been a veritable Castor and Pollux, in reality make a remarkable contrast.[4] Oxford's private life, apart from his overfondness for the bottle, was above reproach; he was a kindly host, a generous patron, a loyal friend of such men of letters as Defoe and Steele, a proficient man of

[1] *Portland MSS.*, vol. iv, p. 464.

[2] *Letter to Sir William Windham* in *Works of Bolingbroke* (5 vols., 1754–98), vol. i, p. 10.

[3] *Portland MSS.*, vol. v, p. 466.

[4] The most effective attack ever made upon Oxford was by Bolingbroke in his *Letter to Sir W. Windham.*

business. Yet his career was a failure, and he leaves no very clear impression upon the history of his time. Regarded before his accession to power in 1710 as a man possessing abundance of tact and therefore singularly well fitted to lead a very heterogeneous team, he proved incapable of leading at all. He alienated his colleagues by an absurd vanity, by an irritating love of foolish secrecies and petty intrigues, and by his procrastination. Apparently, he became lazy and careless, even to the length of offending Mrs. Masham of all people, and even the Queen herself.[1]

There was nothing brilliant about the personality of Oxford; that of Bolingbroke—'man of Mercury', would-be amalgam of Alcibiades and Petronius—was essentially dazzling. Strikingly handsome, with a most engaging air and delightful manners, he could do many different things with wonderful facility, elegance, and success. Endowed, according to Swift, with wit, capacity, beauty, quickness of apprehension and an excellent taste, admirable conversation, good nature, and good manners,[2] he was at one moment the dissolute man of pleasure,[3] and at the next the absorbed administrator. He was statesman, diplomatist, orator, man of letters, philosopher.

'It is impossible', wrote Lord Chesterfield, 'to find light and shade strong enough to paint the character of Lord Bolingbroke. . . . His reason and his passions did not blend themselves by a gradation of tints, but formed a sudden and shining contrast . . . Impetuosity, excess, and almost extravagancy characterised not only all his passions, but even his senses.'

He was certainly the greatest master of speech of his time.

'His penetration', proceeds Lord Chesterfield, 'was almost intuition, and he adorned whatever subject he either spoke or wrote upon by the most splendid eloquence; not a studied or belaboured eloquence, but of such a flowing happiness of diction,

[1] See the well-known complaint made by Anne of the Treasurer's conduct in the letters of Erasmus Lewis to Swift in the latter's *Works*, vol. v, p. 241. See also Swift's *Behaviour of the Queen's last Ministry* and *Free Thoughts upon the Present State of Affairs* in *Works*, vol. v, pp. 431–4, 399–400.

[2] *Journal to Stella*, p. 273.

[3] See *Wentworth Papers*, p. 395; Chesterfield's *Letters* (ed. J. Bradshaw. 3 vols., 1892), vol. iii, p. 1413.

which . . . was become so habitual to him, that even his most familiar conversation, if taken down in writing, would have borne the press, without the need of correction, either as to method or style.' [1]

The great reputation which Bolingbroke acquired among his contemporaries as rationalist and as political philosopher has hardly survived. Burke exclaimed not so long after his death : ' Who now reads Bolingbroke ? ' Yet Burke was undoubtedly influenced by him ; as also were Pope and Gibbon. Not only was the author of *The Patriot King* indirectly the restorer of the Tory party in the later eighteenth century, he was one of its greatest benefactors in the later nineteenth century, being one of Disraeli's main inspirers, as the latter confessed.[2] About a man of this sort one does not expect to find unanimity of judgement. To some minds he will appear a genuine and even a profound thinker ; to others he will appear only a brilliant and superficial dilettante, intent upon the pursuance of a selfish ambition. But whatever be the view we take of him, we cannot fail to recognize the contrast between him and Oxford something fascinating and extraordinarily dramatic, which gives a peculiarly sensational quality to the last twelve months of the reign. There sit the two rivals, both now in the House of Lords, nominally the two chief partners in a common enterprise, actually poles asunder, planning utterly different futures for their party, viewing each other with suspicion, impatience, hatred.

Oxford had never been a thorough-paced Tory ; he had had a Dissenting upbringing and he had Dissenting sympathies. He had worked with the Whigs ; his predilection in 1710 had been for a composite Ministry. He had an inherent liking for compromise, a temperamental disinclination to burn his boats. Bolingbroke hated such a non-committal attitude. ' The sum of all his policy ', he declared contemptuously of Oxford, looking back upon this period at a later date, ' had been to amuse the Whigs, the Tories,

[1] *Ibid.*, pp. 1413–14.

[2] See Disraeli, *Whigs and Whiggism* (ed. W. Hutcheon, 1913). See also W. Sichel, *Bolingbroke and his Times* (2 vols., 1901, 1902), vol. i, pp. 3–7.

and the Jacobites . . . when it became impossible to amuse mankind any longer, he was plainly at the end of his tether.'[1] The right plan, Bolingbroke was convinced, was to get rid of the lukewarm, half-and-half supporters of the Ministry, above all to turn out the 'Whimsicals', and to reconstruct the party on its traditional basis of loyalty to Church and Prerogative.[2] Whether Bolingbroke's great design involved by deliberate purpose or by force of circumstances a Jacobite restoration, it is impossible to say. It will always be a matter for conjecture. The Queen's sudden death robbed him of his opportunity and us of decisive evidence as to his intentions.

In the summer of 1713 Bolingbroke was pressing for the inclusion of more whole-hearted Tories in office. He secured the advancement of some of his men. Atterbury, possibly the most zealous of all High Churchmen in the kingdom, became Bishop of Rochester; Sir William Windham, Chancellor of the Exchequer; Bromley, Secretary of State in place of the more moderate Lord Dartmouth; Ormonde, Lord Warden of the Cinque Ports. The new House of Commons contained a larger number of Bolingbroke's supporters than had its predecessor; his influence at Court was rising, just as Oxford's was on the wane. While the peace policy of the Government was the policy of the Ministry as a whole, the actual negotiations had been in the hands of Bolingbroke, and the commercial treaty had been peculiarly his. He had been most closely in touch with the Ministers of France—the country which harboured the Pretender; he was the most pronounced Francophile in the Government. The abandonment of our allies in the peace settlement, our apparent closer understanding with our enemies than with our friends, the position of the Pretender in Lorraine, and the possible danger to the Protestant succession—these continue to be the principal themes of the Opposition right up to the end of the reign.

[1] *Letter to Windham*, in *Works*, vol. i, pp. 21–2.

[2] *Ibid.*, p. 27, 'I resolved not to abandon my party by turning Whig, or, *which is a great deal worse*, whimsical.' He was resolved to 'bring his scheme to them (the party), since they would not come to it'. *Bolingbroke's Correspondence*, vol. iv, p. 276.

These were the topics of Sunderland and Nottingham when the House of Lords embarked upon a general inquiry into the state of the nation in March 1714.[1] Had anything been done since the last session to secure the removal of the Pretender from Bar-le-Duc? Was the Government doing anything on behalf of the Catalans, who had been our allies in the late war in Spain, whom we had abandoned when our armies evacuated the Peninsula, but who were still resisting Philip of Bourbon? The Catalans were doubtless impracticable people, as their history and especially that of Barcelona, their stronghold, seems to show: the fact remains that the Catalans had been left in the lurch without much consideration on the part of the Tory Ministers. The Lord Treasurer proposed a long adjournment of the House in view of the proximity of Easter; Holy Week should be 'set aside for works of piety'. 'God forbid!' exclaimed Wharton, 'he should oppose the noble lord, who made so pious and religious a motion; yet it seemed to him that religion and piety rather lay in losing no time in discussing the unhappy fate of Catalonia.[2] This was on March 17; on the 31st the discussion was resumed, when the Ministerial defence against the allegation of betrayal was that our obligations towards the Catalans had ceased with the departure of the Archduke Charles from Spain. On Cowper's motion an address was agreed to urging the Queen to 'continue her interposition in the most pressing manner' on behalf of the Catalans. This motion it would

[1] Bolingbroke felt fairly confident about the situation in the House of Lords provided the Court party there co-operated better than in the previous year. It is noteworthy that he is not sure whether they have a majority in the Upper House or not, parties being evidently still so nearly equal that no one could feel sure. On Feb. 13 he writes to Strafford: 'The whole body of the Commons is well-disposed, and I think we have a majority in the House of Lords. I hope, that in this House, we shall hang more closely together than we did the last year, and that a number of us shall constantly and warmly debate every point, that, day by day, the Whigs interfere in. This is the true way of supporting, as it is of creating a majority'; *Bolingbroke's Correspondence*, vol. iv, p. 470. Bolingbroke was thoroughly dissatisfied with the Lord Treasurer's leadership at this time. Cf. p. 494.

[2] See *L. J.*, vol. xix, p. 638; *P. H.*, vol. vi, 1331–2; L'Hermitage, vol. HHH, ff. 126–9.

have been ungenerous to oppose, while its acceptance committed the Government to no decisive action.[1]

On April 5 a diatribe against the peace, as a lamentably inglorious conclusion to a glorious war, delivered by Wharton, and answered by Bolingbroke, led to a discussion on the Opposition's theme that the Protestant succession was endangered by the present Administration. The outstanding feature of this day was the defection of Lord Anglesey from the Ministerial ranks. He had, he began, been in favour of the cessation of hostilities, hoping for the splendid peace which the Lord Treasurer had promised. Now he craved God's pardon for it. It had seemed incredible that making peace with France could mean the imperilling of the Protestant succession; but, as neither Ministers nor their friends had made any satisfactory answer to the accusation brought against them, 'he could not but believe the succession to be in danger under such an administration'.[2] In answer to this tirade Oxford affirmed that the peace was as glorious as the obstructions offered to the Government had allowed it to be. Argyll retorted that never had Ministers had so magnificent an opportunity of making a profitable peace. He had recently paid two visits to France. That country, formerly so fine, was reduced to desolation. He had ridden forty miles without coming across a single man fit to bear arms. With France so utterly exhausted, there had been no occasion for so precipitate a peace. Turning to the other question, he asserted his firm belief that the succession was in danger owing to the maladministration and the double-dealing of Ministers. He could prove that the Lord Treasurer had been annually remitting £4,000 to Highland clans notoriously Jacobite, while regiments had been disbanded and officers turned out of employment because of their attachment to the house of Hanover.[3]

[1] *L. J.*, vol. xix, p. 648; Boyer, *Queen Anne*, pp. 681–2.

[2] *Wentworth Papers*, p. 364. For this debate generally see L'Hermitage, vol. HHH, ff. 165–8; Sichel, *Bolingbroke*, vol. i, p. 466. Even after Anglesey's defection, Bolingbroke was anxious 'to maintain a good correspondence with him'. *Bolingbroke's Correspondence*, vol. iv, p. 497.

[3] Argyll was dismissed from all his appointments as punishment for this outspoken speech. On the question of the Highland clans being raised

With his hand on his heart Oxford vowed that he had on many occasions given signal proof of his devotion to that House. Nevertheless, other normal supporters of the Government—the Archbishop of York, the Earls of Abingdon [1] and Jersey, Lord Ashburnham,[2] Lord Carteret [3]—all voted against the Ministry, as did all but three of the bishops who were present. The Scots were, however, loyal, and the motion that the Protestant succession was in danger was lost by 76 to 64. 'You have carried it by your dozen,' shouted Wharton to Oxford, tauntingly. A victory of this sort was a blow to the Ministry's prestige. A motion was brought forward for an address to ask the Queen to issue a proclamation promising a reward to any person who should apprehend the Pretender alive or dead; and this was carried unanimously.

When next day the committee appointed to draft this address reported, the Ministry succeeded in toning down the terms suggested considerably. It was, their supporters declared, barbarous, contrary to Christianity and civilization, to the English law and the law of nature; it would have horrified Grotius and Pufendorf; it was simply an encouragement to assassination. It was carried by ten votes to offer a reward simply for bringing the Pretender to justice, should he land or attempt to land on the British shores. To the address, thus modified, the Queen made a crushing reply: 'It would be a real strengthening to the succession in the House of Hanover, as well as a support to my Government, that an end were put to the groundless fears and jealousies, which have been so industriously promoted—I do not, at this time, see any occasion for such a proclamation.' [4]

The royal answer gave great umbrage to the Whig lords.[5]

again three days later, Oxford had no difficulty in vindicating himself, as he was able to show that he was merely carrying on William III's policy of distributing doles to keep the Highlands quiet. See *Wentworth Papers*, p. 374.

[1] Montagu Venables-Bertie, second earl, 1670–1743.

[2] The third baron, 1687–1737.

[3] This is the great Lord Carteret, afterwards Earl Granville.

[4] *L. J.*, vol. xix, pp. 650, 655; *P. H.*, vol. vi, 1333–8.

[5] The Whigs at this time were much elated by their negotiations with Hanover, which on April 2 resulted in the formal request by Schütz for

The ' courtiers ' were elated, finding the phraseology of the message very succulent, especially the word ' industriously '. Lord Abingdon moved an address of thanks, which should give expression to the determination of the House to prevent those jealousies which had been so ' industriously ' spread abroad. But this motion was only carried by the Tories' use of two proxies, there being 61 peers present on either side. It was noted that had it not been for the accidental absence of the Duke of Grafton and the Duke of Rutland,[1] the latter with a proxy in his pocket, the Opposition would undoubtedly have gained the day. Of the sixteen bishops present only two voted with the Court, the Bishops of London and Bristol, normally supporters of the Ministry, voting against them on this occasion. One Scots lord—Loudoun—gave his vote with the Opposition.[2]

The question of the peace reappeared on May 16. The Opposition anticipated a motion from the Government for an address of thanks to the Queen for the peace she had made with France and Spain. The Whigs maintained a frigid silence. To draw them into debate, Lord North and Grey declared that if there was any objection to the treaties, he was prepared to answer it, and ' so in a challenging manner bristled for some time '. There was a quarter of an hour's silence. The Whig forces, says one observer, were too well disciplined to allow themselves to be drawn into a general engagement by North and Grey's skirmishing. After the silence, the Earl of Clarendon moved the expected address. Cowper stigmatized this as the most barefaced attempt ever made by this or any other Ministry to secure themselves by making their blunders the act of the House. The motion was carried by 82 to 69. But once again the Court party would have fared ill had it not been for ' their dozen '.[3]

The insecurity of the Tory majority in the House of Lords

a writ for the Electoral Prince in his capacity as Duke of Cambridge. See *Bolingbroke's Correspondence*, vol. iv, pp. 512–14.

[1] The second duke, 1676–1721.

[2] *P. H.*, vol. vi, 1343 ; *Wentworth Papers*, p. 373.

[3] For the debate see *P. H.*, vol. vi, 1343–5 ; Brit. Mus., Stowe MSS. 227, ff. 102–3 : Report from Molyneux, his agent, to the Duke of Marlborough.

reveals the lack of a single directing hand. The hand of Bolingbroke was clearly in evidence in the Schism Bill, which was aimed against the thriving Dissenters' schools, which it was intended to destroy by requiring that teachers should have a bishop's licence. The ulterior object of the measure was to unite the High Churchmen under Bolingbroke's banner; or, as Defoe expressed it, the bill was 'a mine dug to blow up the White Staff'—that is to say, Oxford, the Lord Treasurer. Piloted through the Commons by the man of Mercury's principal henchman, Windham, the bill was carried by 237 to 126 votes. It was recommended to the Lords by Bolingbroke himself.[1] Cowper made a powerful and damaging attack upon the project. The education provided by the Dissenters was admittedly efficient, and in many country districts it was the only education to be had, and poor Churchmen's children benefited by it. The bill would not succeed in its object, the enhancement of the Church of England, but would simply promote ignorance, the parent of superstition and irreligion.

Wharton, as usual, indulged in satire, largely at the expense of Oxford, who was now so intent upon suppressing the academies to which he owed his own education. Anglesey found himself unable to vote with the Whigs on this issue. To him the Nonconformists were irreconcilable foes of the Church of England, 'who had made an evil use of the indulgence extended to them by seeking to engross the education of youth.' Nottingham, on the other hand, appeared in the novel role of toleration's advocate. The Occasional Conformity Bill having passed, the Church of England was now safe; this bill was barbarous, because it deprived parents of the 'natural right' of educating their own children.

The bill did not have a smooth passage. A petition of the Presbyterians to be heard by counsel against the measure

[1] For debates on the Schism Bill see *P. H.*, vol. vi, 1351–5; *Wentworth Papers*, pp. 385–6, 388; L'Hermitage, vol. HHH, ff. 250, 256–7; Brit. Mus. Political Tracts 8132; *Debates and Speeches in both Houses of Parliament concerning the Schism Bill*, pp. 5–15.

was only defeated by the narrow majority of 72 to 66. In the committee stage the Opposition were able to carry certain minor amendments,[1] and on the third reading the majority was only 5—77 to 72. Oxford had certainly been placed in a most awkward predicament by his rival, but otherwise the progress of the Schism Bill through the House of Lords had been far from encouraging to Bolingbroke. In the other House he had an easy superiority, but in that of the Peers his position was hazardous. There was no relying upon the 'round dozen'.

The last notable debates in the Lords during the reign were on the treaty relating to Spanish trade.[2] The Opposition found two opportunities for criticism—the first, that since the conclusion of the negotiations at Utrecht the Spanish Government had inserted three explanatory clauses prejudicial to British commercial interests; the second, the allegation that a proportion of the *Asiento* profits had been reserved, not for the South Sea Company, but for the private pockets of Mrs. Masham, Bolingbroke himself, and his agent, one of the commissioners of Trade and Plantations, Arthur Moore. The Whig peers, with the support of Nottingham, and acting upon the complaints made by a number of eminent merchants, pressed for a thorough inquiry into the circumstances. Now was openly revealed upon the floor of the Chamber the complete breach between Oxford and Bolingbroke.[3] The latter, primarily responsible for the commercial arrangements with Spain and now indirectly charged with grave misconduct, resisted the

[1] For instance, that Dissenters should at least be allowed to have schoolmistresses to teach their children to read; that the Act should not extend to instruction in reading, writing, and arithmetic, if for the purpose of navigation or the mechanical arts only; that conviction should be by the ordinary courts of justice, not by justices of the peace, as in the original draft of the measure. See *P. H.*, vol. vi, 1354–5. See *L. J.*, vol. xix, pp. 704, 709, 716. For the strong protest against the passing of the measure see *Complete Protests*, vol. i, pp. 218–21.

[2] For these proceedings see *L. J.*, vol. xix, pp. 738–41, 746, 755–6; *P. H.*, vol. vi, 1360–3; *Complete Protests*, vol. i, pp. 222–4; L'Hermitage, vol. HHH, pp. 282–3.

[3] On the abandonment of Bolingbroke by Oxford, *Wentworth Papers*, pp. 394–5, 403; *Bolingbroke's Correspondence*, p. 519; *Portland MSS.*, vol. v, pp. 464–5.

PART OF THE ARMADA TAPESTRIES IN THE OLD HOUSE OF LORDS

From the engraving made by John Pine in 1739

motion for an inquiry. Instead of assisting his colleague, or at least remaining silent, Oxford joined in the demand for investigation. After long debate a resolution was carried to ask the Queen for all papers relating to the commercial treaty with Spain and for the names of the persons who had advised her to conclude it. Every one knew that these were Bolingbroke and Moore.

The Queen's reply was wholly evasive. Having been satisfied, she declared, that the articles complained of were not detrimental to her subjects, she had agreed to their ratification. Wharton and Halifax gave free tongue to their disgust. 'If so little regard was shown to the addresses and applications of that august assembly, they had no business in the House.' It was carried that a representation should be drawn up explaining to Her Majesty the insupportable hardships attending the Spanish trade; but another motion that the Queen should be informed that the benefits of the *Asiento* contract had been 'greatly obstructed by unwarrantable endeavours to gain private advantage to particular persons' was lost. The Whigs intended to proceed to a censure upon Moore. But this was prevented by the prorogation of Parliament on July 9. On the 27th Oxford was dismissed. On August 1 Queen Anne breathed her last.

The debates in Parliament during the final months of the reign were perhaps of less interest than the inner history of the Tory party, which is mainly a record of subterranean intrigue, whose bearing upon the question of the succession, as has already been said, we can only conjecture. But whatever the truth may be as to the alleged Jacobitism of Bolingbroke and other Tory leaders, the significant fact is that the Opposition succeeded at the Electoral court, and to a large extent also at home, in creating the idea that the Tory Administration by its foreign policy and its commercial policy was betraying the true interests of the country, and at least endangering, if not deliberately preparing to prevent, the succession of the House of Hanover. The Whig war-cry, The Succession in Danger, had a great influence and a great and lasting importance. The press

did much to excite the public apprehensions. Such publications as Defoe's satirical pamphlets, *Reasons against the Hanoverian Succession* and *What if the Queen should Die?* did yeoman service in the Whig interest. But the prime movers in the campaign were the Junto and the other great Whig leaders, whose strength lay in the Upper House—they were hopelessly outnumbered in the other—who in their own Chamber kept these vital issues in the forefront, who by their efforts in Hanover and at Westminster succeeded in making out of the peaceful accession of George I a party triumph, and who by so doing destroyed the Tory party for a generation, and ushered in a new and distinctive era in the constitutional development of England, and in the history of the House of Lords.

It is interesting to observe that the downfall of Bolingbroke and the security of the Hanoverian succession were at one and the same time assured by the action of three outstanding members of the House of Lords—by the dramatic appearance at the Council meeting [1] on July 30 of Somerset and Argyll, and by the nomination of Shrewsbury as Lord Treasurer. At this momentous crisis the decisive step was taken by the same three dukes who had been so largely instrumental in ushering the Tories into power in the previous crisis of 1710.

[1] Probably a meeting of the Privy Council, not of the Cabinet, as is often stated. See Temperley, 'Inner and Outer Cabinet and Privy Council' in *E. H. R.*, vol. xxvii, p. 6; also Sir W. R. Anson, 'The Cabinet in the Seventeenth and Eighteenth Centuries', *E. H. R.*, vol. xxix, p. 64.

CHAPTER V

THE SCOTTISH REPRESENTATIVE PEERS

ONE of the obvious difficulties attending the project of a legislative union between Scotland and England was that presented by the numerous Scottish peerage—for the peers of Scotland in 1707 were 154.[1] In one way the largeness of their number rather eased the situation, for the holders of the greater or more ancient titles had already begun to resent the rapid increase in the peerages during the seventeenth century. As Defoe puts it: 'The ancient nobility finding their sway with the people lessened, and their power, as well as their honour, eclipsed by the crown daily creating numbers of what they called upstart Lords, were easily engaged in limitations, to prevent their future monarch's increasing the numbers of their rank, to the diminution, as they took it, of the ancient families.'[2] Thus, while Defoe regarded the problem of the Scots nobility to be, together with that of the succession, the most serious crux of the settlement, on the other hand the jealous pride of the more powerful peers and their contempt for recent creations predisposed them to accept the solution actually adopted, that of a limited representation in the House of Lords at Westminster, involving in effect a closing of the Scottish peerage.

The commissioners appointed to treat for a legislative union met for the first time on April 16, 1706. A number of meetings took place without much material progress being made, but on June 7 the English representatives, anxious to hasten business, made the proposal that the number of Scottish representatives in the British Parliament should be

[1] A list laid before the House of Lords, Dec. 22, 1707, *L. J.*, vol. xviii, p. 399; it was ordered to be examined, Feb. 9, 1707/8, *ibid.*, p. 453. See also C. R. Dodd, *A Manual of Dignities, Privileges, and Procedure* (1842), p. 144. There were 10 dukes, 3 marquises, 75 earls, 17 viscounts, 49 barons.

[2] D. Defoe, *The History of the Union between England and Scotland* (1786), p. 95.

38. On the 15th they agreed to raise this number to 45. They added :

'And there being an absolute necessity that the number of Peers to be admitted into the House of Lords of the united Kingdom for the part of the united Kingdom called Scotland be regulated in proportion to the number to be admitted into the House of Commons ; do propose that sixteen Peers be the quota of Scotland in the House of Lords.' [1]

No objection was raised by the Scottish commissioners to the number sixteen. They contented themselves with making certain provisos respecting the relative precedence of existing Scottish peers hereafter to be created in the United Kingdom peerage, and also with regard to the trial of peers, which were accepted by the English delegates and embodied in the clauses of the Treaty of Union which refer to the peers, viz. IV, XXII, and XXIII. The last, as the most important, may be given *in extenso :*

'That the aforesaid Sixteen Peers of Scotland, mentioned in the last preceding article, to sit in the House of Lords of the Parliament of Great Britain, shall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great Britain, shall have after the Union, and particularly the right of sitting upon the trial of Peers : and in case of the trial of any Peer, in time of adjournment or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of Great Britain ; and that in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of Great Britain ; and that all Peers of Scotland, and their successors to their honours and dignities, shall, from and after the

[1] Defoe, pp. 156–8, 163–4 ; J. Bruce, *Report on the Union of England and Scotland* (1799), pp. 314–15. The proportions were, in the Commons 45 to 513 ; in the Lords 16 to 179. Defoe comments (p. 166) : 'As to the number of Peers, there was no room for debate, since the number proposed, which was sixteen, was a full proportion to the other, and had more of equality in it a great deal than any other part of the treaty ; especially considering, that several of the Scots peers then were Peers of England, and hereafter might become Peers of Great Britain by creation.'

Union, be Peers of Great Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders or degrees, who may be created after the Union : and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers, as fully as Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trial of Peers.' [1]

The appellate jurisdiction possessed by the English House of Lords involved a problem of some difficulty, since in Scotland such right of appeal as existed was from the Lords of Session to the unicameral Parliament at Edinburgh. What was to happen with Scottish appeals after the Union ? It was urged with reason that it would be a heavy burden on Scottish litigants to require them to take the long and expensive journey to London, and meet the costs of pleading at Westminster. Another objection was also raised. As the Scots were preserving their own national law and law courts, was it equitable that the Scottish representative peers should have a say in English appeals to the House of Lords ? A continued separation of the English and Scottish systems of appeal was, therefore, suggested as the only fair solution. But those who were zealously aiming at a genuine united Parliament were unwilling to acquiesce in this. They held out for the conception of a single court of appeal for the United Kingdom. The appeal from the Lords of Session must be transferred from the unicameral Scottish Parliament to the bicameral British Parliament, and as in the latter the Lower House made no pretensions to being a judicature, this must mean to the House of Lords. The idea that the sixteen Scottish peers might, in cases of appeal from Scotland, choose the members of the court from among their own numbers was not allowed, because ' that would be a new creation ', and because it would be ' inconsistent with a national incorporated Union,

[1] Defoe, p. 207 ; *Statutes of the Realm*, vol. viii, pp. 572–3 (5 Anne c. 11) ; *Acts of the Parliaments of Scotland*, vol xi. pp. 412–13.

and keeping on foot continual jealousies, complaints and discontents among us, and might some time or other break out into a rupture again, and unravel the very Union itself'. The solution suggested by the English commissioners was that 'a Court of Appeal may be erected in Scotland, delegated from the Peers of Britain, assembled in Parliament, to be named annually or triennially, or every session, or otherwise, as in the treaty of Union, shall be agreed'. The delegates should be chosen from the Scottish nobility and gentry. 'This scheme, as it entitles the Parliament of united Britain to its full and complete jurisdiction: so it preserves the right of appeal to the Scots; prevents the expensive proceeding of carrying their appeals to England, and takes away all the force of the objection against the Scots noblemen having a voice in the English judicature.'[1]

This considerate suggestion was not in the event acted upon, and after the Union the House of Lords heard appeals from Scottish litigants at Westminster in the ordinary way. The extra expense and inconvenience evidently did not act as a deterrent, for the number of Scottish appeals actually increased. Indeed Scottish litigants found positive advantage in the new system, owing to an important order made by the House of Lords on April 19, 1709, that after an appeal had been received from a decree of any court of Scotland, the decree appealed against should not be carried into execution pending the decision of the House of Lords. This was contrary to the previous Scottish practice, and gave the appellant a new advantage.[2] A Scottish judge, Sir John Lauder of Fountainhall, writing in February 1718, notes:

'I have marked no less than ten protests this winter session; they are turned more frequent and numerous since the Union than they were before, tho' access now is both more difficult and expensive than the discussing them before our own parliaments were. The reason may be, 1st to concuss the victor to a composition,

[1] Defoe, pp. 159–61. The question of appeal seems to have been intentionally left obscure. See A. V. Dicey and R. S. Rait, *Thoughts on the Union between England and Scotland* (1920), pp. 191 et seq.

[2] *L. J.*, vol. xviii, p. 713. Order made with reference to the case of Sir Alexander Brand.

rather than undertake a tedious uncertain journey to London. 2^do They have this advantage now, that how so soon it is tabled in the house of Peers, all execution is stopt ; whereas with us they were not suspensive of the sentence, but only devolutive.' [1]

The Scheme of Union drawn up by the commissioners met with some stout resistance in Scotland. Scottish sentiment was strongly and naturally aroused against any suggestion of the subordination of the northern kingdom to its larger or more powerful neighbour. Why should English parliamentary representation remain unaltered, while the Scottish numbers were to be drastically reduced—only 16 peers out of 154, only 45 commoners in place of the 160 at present existing in the Scottish Parliament ? George Lockhart, who gives us the Jacobite view of the treaty, regarded the Scottish commissioners as betrayers of their country.

' It consisted with my certain knowledge ', he writes, ' that the English did design from the beginning to give the Scots forty-five commoners and a proportionate number of peers ; but had the Scots stood their ground I have good reason to affirm that the English would have allowed a much greater number of representatives and abatement of taxes, for the English saw too clearly the advantages that would accrue to England from any union of the two kingdoms upon this scheme, and would never have stuck at any terms to obtain it.' [2]

In the eyes of Lockhart the two prime movers in the project of union on the Scottish side—the Duke of Queensberry [3] and the Earl of Stair [4]—were the foulest of self-seeking traitors. The former he describes as ' a very devil, standing at nothing to advance his own interests and designs ',[5] the latter as ' the Judas of his country '.[6] While some of the Scottish peers may have been actuated by their hopes of

[1] *Fountainhall's Decisions* (2 vols., Edinburgh, 1761), vol. ii, p. 643. Cf. p. 734. A year later he remarks : ' By this number of appeals, we see the increase every year, to the great impoverishing and detriment of this nation.' The presence for so long in the House of Lords of a great Scottish lawyer in Lord Mansfield, thoroughly conversant with Scots law, greatly facilitated Scottish appeal cases later on in the century. See Campbell, *Lives of the Lord Chief Justices of England* (3 vols., 1858), vol. ii, p. 397.

[2] *Lockhart Papers*, vol. i, p. 156. [3] James Douglas, the second duke.

[4] John Dalrymple, the first earl. [5] *Ibid.*, pp. 44–5. [6] *Ibid.*, pp. 88–91.

personal gain from a union, the prime movers appear to have been inspired by a sincere conviction that a union with England was essential in the best interests of their country.[1] The negotiations and intrigues of 1706 and 1707 may be followed at length in the papers of the sixth Earl of Mar, who was no less indefatigable than Queensberry and Stair in working for the success of the scheme. They had considerable difficulty with the greatest potentate of all, the Duke of Argyll, whose humour was very changeable and who was always wanting something more. Yet, writes Mar, ' when he comes to London, I know he'll take the wholle praise of the carrying the Union to himself '.[2] Prior to the assembling of the Scottish legislature, whose session started on October 3, 1706, Mar had interviews with many of the leading peers and met the objections which some of them raised to various articles in the Treaty.[3] He secured the support of the one of the chief members of the so-called *Squadrone Volante*, the party of neutrals, neither Court nor Opposition—the Duke of Montrose ; he even had hopes of winning over the man who in the end decided to lead the crusade against the Union, the Duke of Hamilton.[4] In this the latter was supported by Atholl, Kilmarnock, Balmerino. While one peer, Annandale, ' laughed at every article of the Treaty as it was read ',[5] the leaders against the Treaty concentrated their attack upon those relating to the Kirk and the nobility.[6]

Mar was well pleased with the way things were going in the Parliament during the early stages of the discussions, especially with the conduct of Montrose ;[7] but it was not till the end of October that there was a close examination of the articles in detail.

Hamilton, as the champion of national disapprobation of

[1] See Hume Brown, *The Legislative Union of England and Scotland* (Oxford, 1914), pp. 126–8.

[2] *Mar and Kellie MSS.*, p. 368. Cf. pp. 281, 291.

[3] *Ibid.*, pp. 278, 282–3. [4] *Ibid.*, p. 278. James Douglas, the fourth duke.

[5] *Ibid.*, p. 288. [6] *Ibid.*, pp. 290, 306.

[7] *Mar and Kellie MSS.*, p. 288, Oct. 8, ' My Lord Montrose acts a very honourable part and is very diligent in bringing people into the measure, and I hope will succeed with a great many, and I mean of his own friends of the Squadrone.'

the whole scheme, was the most popular man in Scotland in these days, at all events in Edinburgh. Every day, when Parliament adjourned, he was escorted back to his house by a wildly huzzaing crowd; and his enemies admit that he conducted his case well.[1] But the most striking speech delivered against the treaty during these deliberations was made by a connexion of the house of Hamilton, the second Lord Belhaven, who in Parliament 'affected long premeditated harangues', assisted by a prodigious memory. Adopting the mode of prophecy, he drew a picture of universal calamity in the northern kingdom, were the Union accepted. It would ruin every class, it would utterly degrade the Peers.

'I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expenses, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid to their quondam Macallanmores. I think I see the present peers of Scotland, whose noble ancestors conquered provinces, overran countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the Court of Requests like so many English attornies, laying aside their walking-swords when in company with the English peers, lest their self-defence should be found murder.'[2]

Belhaven's 'horrible vision . . . was made pretty ridiculous', being dismissed in a single sentence of derision by Marchmont. 'Behold, he dreamed! but lo! when he awoke, behold it was a dream.'[3] Still, it was with difficulty that Hamilton and Belhaven could be induced to leave off talking, so that divisions might be taken. The first article was carried by a majority of 32. In each of the three estates there was a majority in its favour, but in the case of county and borough members the margin was very slight. Much

[1] *Ibid.*, p. 296. Hamilton's text was: 'Shall we in half an hour yield what our forefathers maintain'd with their lives and fortunes for many ages?' *Lockhart Papers*, vol. i, pp. 180–1.

[2] Defoe, p. 317.

[3] *Ibid.*; *Mar and Kellie MSS.*, pp. 308–9. 'The Duke of Hamilton spoke too with a great deal of force (I mean loud speaking).'

the strongest support came from the Peers, and this peculiarity was observable in all subsequent divisions—which is a clear indication that the arrangements in the treaty relative to the Scottish nobility were distinctly attractive to the majority of them.[1]

Discussion of clauses 22 and 23 commenced on January 7, when the Opposition attacked the scheme of representative peers, and argued that the only right arrangement would have been for the English and Scottish Parliaments to sit in conjunction. On January 13 the question was raised of the privileges to be enjoyed by the Scottish nobility, apart from its sixteen representatives for the time being in Parliament. The proposal was made that when one of the sixteen retired, not being re-elected, he should be divested of his privileges as a peer, have no more privilege than a commoner. The design behind this suggestion may have been to lead up to a motion that non-sitting lords should be eligible for election to the House of Commons. However this may be, there existed strong reasons for objecting to peers who were not members of the House of Lords possessing such a privilege as freedom from arrest, whose sole justification was that it safeguarded legislators from the interruption of their parliamentary duties. If, it was argued, a peer without a seat in Parliament simply by reason of his social status possessed immunity from legal process for recovery of debt, for example, this levelled him below the commoner, ' since no man would trust the nobility in matters of debt without some commoner being security for them, against whom they might have remedy at law '.[2]

This argument carried weight with a good many, who looked upon the acceptance of privileges without their

[1] Lockhart, vol. i, p. 298, speaks of the Scottish peerage as ' the chief instruments in selling and betraying their country '. See A. V. Dicey and R. S. Rait, *Thoughts on the Union between England and Scotland*, p. 278: ' No part of the Act of Union was more distinctly the Act of the Parliament of Scotland than the provisions relating to the status and representation of the Scottish peerage.' *Ibid.*, *note*: ' Oddly enough, the provisions of the Act of Union with regard to the 16 representative Peers of Scotland were almost the only parts of the Scottish parliamentary system which have survived successive Reform Acts from 1832 to 1918 inclusive.'

[2] Defoe, pp. 470–2; *Godolphin Papers*, Add. MSS. 28055, ff. 336–40.

attendant duties as dishonourable. The other side adopted somewhat casuistic contentions, first, that nobles were sometimes called upon to perform other important services to the State besides legislation, whose interruption by arrest would be inconvenient, and that 'as to the credit and honour of being protected against just debts, it would be much more for the honour of the Scots nobility that they gave all men notice that they despised the advantage of their personal credit, and since they could not sue a nobleman, they might decline trusting him and welcome'.[1]

Another abortive proposal was that Scots lords, other than the sixteen representatives, while not able to vote, should be allowed to attend the House of Lords, standing perhaps behind the throne, after the manner of the eldest sons of peers. Another idea went a good deal farther than this—that the Scots peers, other than the sixteen, should have the right to 'argue, speak, and debate', though not to vote. To this it was answered that it was 'an insignificant thing to have persons to sit and argue who have no power to determine'; the suggestion lowered the Scottish nobility to the level of lawyers, whose place was without the bar, whose function was merely to talk.[2]

The method of selecting the sixteen representatives was a matter of much importance. Should it be by ballot or by vote? The decision in favour of the latter alternative was, as we shall see, momentous, because it determined the nature of the parliamentary activities of the sixteen during the century. It was also decided on February 3 that absent peers should be allowed to vote at elections of the sixteen by proxy. It was moved on this same date 'that such Peers of Scotland, who are likewise Peers of England, or who, after the Union, shall be created Peers of Great Britain, have no vote in the election of the sixteen Peers from the Parliament of Great Britain'. The motion was rejected, but this was far from being the end of a very important

[1] Defoe, p. 473. It was not long before Scots peers began to find their privilege as peers of Great Britain highly profitable. See the case of Lord Mordington, Dec. 1707. *H. L. MSS.* (N.S.), vol. vii, No. 2417; *L. J.*, vol. xviii, 354, 399.

[2] Defoe, p. 473; Bruce, p. 355.

question. It was raised again soon after the Union had been consummated.[1]

The Treaty of Union was formally ratified by the Scots Parliament on January 16, 1706/7. We have already seen that when it was discussed in the English House of Lords certain Tories took exception to clause XXII because it ' made peers elective who had been hereditary ', and because ' it was inconsistent to admit peers by election to sit among peers by birth '. The criticism of the settlement regarding the Scottish peerage is set forth in a Protest of February 27.[2] It was argued that sixteen was too large ' a proportion to be added to the Peers of England, who very rarely consist of more than one hundred attending Lords in any one session of Parliament, that by agreeing to sit by right of election the Scottish peers diminished their own dignity ; that the introduction of the elective principle might prove prejudicial to the English peers also '. There was never any doubt as to the approval of the treaty in the English Parliament, but there are signs that there was a strong prejudice on the part of many English peers against the introduction of the elective principle into their Chamber. That at any rate appears to have been the Scottish impression.

On the assembly of the first United Kingdom Parliament in 1707, an important test case at once came up for determination. At the general election in Scotland, Lord Haddo, the eldest son of Lord Aberdeen, had been chosen for his shire, and Lord Johnson, eldest son of the Marquis of Annandale, for Linlithgowshire. A petition was lodged against both returns on the ground that it was contrary to Scottish usage for the eldest sons of peers to represent boroughs or counties,[3] and would be of evil precedent, since ' the admission of such a claim would inevitably tend to enhance the influence of the Lords, to the detriment of free legislation by the Commons '.[4] It was represented as being vital in the

[1] Defoe, p. 502. See *infra*, pp. 148–9.
[2] See *supra*, pp. 82–3. *Complete Protests*, vol. i, pp. 182–3.
[3] See R. S. Rait, *The Parliaments of Scotland* (Glasgow, 1924), pp. 286–93.
[4] See J. Mackinnon, *The Union of England and Scotland*, pp. 366–7.

interests of the British House of Commons that the rights of Scottish electors should be safeguarded against noble influence. The majority accepted this view; these returns were disallowed, and new writs issued. Lockhart rejoiced at the 'terrible mortification' that this decision brought to the Scottish peerage, who had hoped to 'make a splendid figure at court', largely because of the number of Scottish seats that they would be able to control.[1] It should be added that, while debarred from election in their own country, the eldest sons of Scottish peers could, and very often did, sit for English boroughs, nearly always on the side of the Government of the day and by its arrangement.[2]

For some time after the Union there was considerable dissatisfaction with it in Scotland. This tended to increase, and had become really serious before the end of 1711. When the specific rights and privileges of their countrymen were concerned, the Scottish members of the two Houses seemed quite impotent. The English members forced through whatever legislation for Scotland seemed good to them. The indignant protests of the small Scots minorities were unavailing, as, for example, in the case of the Scottish Treason Bill of March 1708/9.[3] Before long Haversham was denouncing the Government for having become entirely indifferent to Scottish interests, now that the Union had been secured.[4]

Ecclesiastical questions were a source of trouble. The Greenshields case has already been noticed. It is easy to understand the point of view of Scots who not only wanted their Church to be independent of State control, but resented the determination of a case concerning the Presbyterian Church by an assembly which contained an episcopal bench.[5] When George Lockhart of Carnwath introduced a bill for the restoration of lay patronage in the Church of Scotland, a petition was lodged against it in the House of Lords. Owing to their scruples as to the acknowledgement of the jurisdiction of the bishops, the petitioners addressed

[1] *Lockhart Papers*, vol. i, p. 298. Lockhart says that the Court did all they could to retain these young lords.

[2] See E. and A. Porritt, *The Unreformed House of Commons* (Cambridge, 1919), vol. ii, pp. 134–7.

[3] See *supra*, pp. 93–4.

[4] *P. H.*, vol. vi, 769.

[5] *Supra*, pp. 94–5.

their petition to the Peers of Great Britain. The House refused to receive it because it was not couched in the proper form, and they insisted upon its being addressed to the Lords Spiritual and Temporal.[1]

More serious was the dissatisfaction arising among the Scottish representative peers themselves as the result of certain decisions of the House regarding their rights and their status. As we have already seen, a proposal had been made in the Scots Parliament while the Treaty of Union was under discussion there that no Scottish peer, if he was also a peer of Great Britain, should be allowed to vote in the elections of the sixteen representatives. The Duke of Argyll had been much exercised in mind on this subject at that time. He had insisted on his younger brother, Lord Archibald Campbell, being made a Scottish peer, on the ground that he himself as a British peer would have no voice in the elections, and Mar had agreed that 'it 's fit for him to have one of his familly to take care of his interrest here in that case'.[2] But while he obtained the title of Islay for his brother on these grounds, we find him a few months later changing his opinion on the subject, for Mar writes: 'He now pretends that as ane English peer he has priviledge to sit in the House of Lords, yet after the Union he can elect the 16 peers for Scotland, and grants that any of the Scots peers who after the Union are made peers of Brittain can not.' Mar adds: 'This to me I confess looks pretty odd, for since he can not be elected I see not how he can elect; but if any of them get the priviledge both ought certainly to have it.[3]

The question of the right of British peers to vote in the election of the sixteen representative Scottish peers was brought to a head immediately after the first election under the Act of Union. A petition was presented to Parliament by the Marquis of Annandale, the Earls of Sutherland and Marchmont, and Lord Rose, who claimed to have

[1] *P. H.*, vol. vi, 1126–9; R. Wodrow, *Analecta*, vol. ii, pp. 34–6; *Lockhart Papers*, vol. i, pp. 385–6; Carstairs, *State Letters and Papers* (Edinburgh, 1774), pp. 798–800; J. Mackinnon, p. 417.

[2] *Mar and Kellie MSS.*, p. 291.

[3] *Ibid.*, p. 368.

obtained a greater number of legal votes than the Marquis of Lothian, and the Earls of Wemyss, Loudoun, and Glasgow. The most important of the grounds upon which they supported their claim was that the Duke of Queensberry had voted in favour of their opponents, although, having been created a British peer with the title of Duke of Dover by patent of May 1708, he was not entitled to vote at all.[1] The House of Lords decided against Queensberry, adopting Argyll's thesis in the matter, the validity of which Mar had questioned. Their reasons are reproduced by Burnet. It was argued that if Queensberry could vote, 'this would create a great inequality among peers; some having a vote of representation as well as in person: the precedent was mischievous, since by the creating some of the chief families in Scotland peers of Great Britain, they would be able to carry the whole election of the sixteen as they pleased. . . . A peer of England and a peer of Scotland held their dignity under two different crowns, and by two different great seals: but Great Britain including Scotland as well as England, the Scotch peerage must now merge into that of Great Britain: besides, that there were but five, who were peers of both kingdoms before the union; so that, as it might be reasonable to make provision for them; so was it of no great consequence; but if this precedent was allowed, it might go further, and have very ill consequences.'[2] The terms of the Lords' resolution were: 'That a peer of Great Britain, claiming to sit in the House of Peers by virtue of a patent passed under the great seal of Great Britain after the Union, and who now sits in the Parliament of Great Britain, has no right to vote in the election of the sixteen peers who are to represent the Peers of Scotland in Parliament.'[3] This doctrine was reaffirmed in 1787, but it was reversed in 1793, when the House resolved that votes given to the fourth Duke of Queensberry and the first Marquis of Abercorn, which had been rejected on account of the decision of 1709, should have been counted.[4]

[1] *H. L. MSS.* (N.S.), vol. viii, No. 2507; *L. J.*, vol. xviii, pp. 585–6, 607.
[2] Burnet, vol. ii, pp. 517–18.
[3] *L. J.*, vol. xviii, p. 609. Jan. 21, 1708/9.
[4] *Ibid.*, vol. xxxix, p. 726.

The entrance of the Tories into office after the Sacheverell case brought the Duke of Hamilton a British title. He was created Duke of Brandon by a patent dated September 11, 1711. He was the third Scottish peer to be given an English title during the reign, the second since the Union.[1] Objection was raised in the House to the Duke's taking his seat there in virtue of his new title. On December 12 it was ordered that the Privy Seal Bill of the patent should be laid before the House on the 20th.[2] On the latter date the matter of the Duke's right to a seat was fully debated. There is no doubt that one of the main inducements which had won over the Scottish peerage to the scheme of union had been the hope of being created British peers.[3] On November 19, 1708, Queensberry had taken his seat as Duke of Dover without opposition, and the fact that it had been ruled that he could not take part in the election of the sixteen representative peers seemed to be a clear recognition that he was a fully qualified peer of the United Kingdom. It was now resolved, however, to make Hamilton's a test case. In the debate on the Brandon title on December 20 it was moved to ask the judges whether the Queen was prevented by the Act of Union from conferring a United

[1] There are four cases, including Hamilton's. Argyll took his seat as Earl of Greenwich, Dec. 5, 1705, *L. J.*, vol. xviii, p. 39; Queensberry, as Duke of Dover, Nov. 19, 1708, *ibid.*, p. 583; Hay, Jan. 2, 1711/12, *ibid.*, vol. xix, p. 356.

[2] *L. J.*, vol. xix, p. 342. On the Hamilton case generally see the following: Boyer, *Political State*, vol. ii, pp. 450, 460–1; Burnet, vol. ii, pp. 586–7; L'Hermitage, vol. FFF, ff. 11–12, 38, 49 et seq.; *Wentworth Papers*, pp. 226–30; *Portland MSS.*, vol. v, p. 138; Tindal, vol. xvii, pp. 426–9, 450–1; Brit Mus., Stowe MSS. 1083, f. 105, 'Precedents as to the Right of Scots Peers to sit in the House of Lords'; *Lockhart Papers*, vol. i, pp. 341–4, 545–8.

[3] See on this subject some remarkable correspondence which passed between Argyll and Godolphin in May and June 1705. Argyll asked the Treasurer to intercede with the Queen that he might be given an English peerage in requital for his services to her in Scotland. He had also solicited the support of Marlborough in the matter. Duke of Argyll, *Intimate Society Letters of the Eighteenth Century* (2 vols., 1910), vol. i, pp. 20–2. Similarly, the second Earl of Stair bluntly requested an English peerage for himself in recompense for his father's efforts in helping to carry the Union in Scotland. See *Marchmont Papers* (ed. Sir G. Rose, 3 vols., 1831), vol. iii, p. 447; John Murray Graham, *Annals of the Viscount and First and Second Earls of Stair* (2 vols., 1875), vol. i, p. 232.

Kingdom peerage with all its attendant privileges. The motion was rejected.[1] The Scottish peers, who were 'in a great fury', contended that 'the Queen was the sole unlimited fountain of honour, and cou'd bestow the same after what manner and on whom she pleased'.[2] It was not disputed that the Sovereign could raise any subject, Scottish or otherwise, to the dignity of a British peerage; the question was whether the Act of Union contained a limitation debarring a Scots peer, upon whom a British title had been conferred, from receiving a writ of summons to the House of Lords. If such a limitation existed, the Scots contended, the dignity of a United Kingdom peerage was of but little account. And certainly it had occurred to no Scottish lord that the Act of Union could be so interpreted until this view was put forward with reference to Hamilton's claim.[3]

How was such a limitation read into the Act? The contention was that the figure sixteen was sacrosanct, that no more lords of Scottish birth must sit in the House of Lords, because otherwise the proportion between English and Scottish peers, which was taken as a fundamental regulation in the scheme, would be upset. The argument was invalid, because it was inconsistent. The number sixteen could not be sacrosanct and the existing proportion between Scottish and English peers fundamental at the same time, unless the Crown was to be debarred from granting new peerages to men of English birth, of which there was no suggestion. Neither in law nor logic did there appear to be any foundation for this argument; it merely seemed to cloak an anti-Scottish prejudice.[4] Nevertheless this argument prevailed —though by only a small majority, 57–52—and it was duly resolved: 'That no patent of honour granted to any Peer of Great Britain, who was a Peer of Scotland at the time of the Union, can entitle such Peer to sit and vote in Parliament, or act upon the trial of Peers.'[5] Although this

[1] *L. J.*, vol. xix, pp. 346–7. [2] See *Wentworth Papers*, p. 230.
[3] See *Lockhart Papers*, vol. i, pp. 342–3.
[4] See Mackinnon, pp. 422–3; Rait, *The Parliaments of Scotland*, pp. 190–2.
[5] *L. J.*, vol. xix, pp. 346–7.

resolution refers specifically only to those who were Scottish peers *at the time of the Union*, still on it was based an exclusion of all who succeeded to Scottish peerages in existence at the time of the Union and who were subsequently created British peers. They were debarred from the legislative rights normally belonging to the British peerage, up to the year 1782,[1] when the House of Lords reversed its decision, after the judges had unanimously decided that the Act of Union had created no such disability as was alleged in 1711.

It should be noted that among the twelve new peers created in December 1711 was a Scot—George Hay, Viscount Dupplin, the heir to the earldom of Kinnoul. He took his seat as Baron Hay in the British peerage. The ruling with regard to Hamilton did not apply in this case, because Hay at the time of his creation was not a Scottish peer, but only the heir to a Scottish peerage. In 1719 he succeeded to the earldom on his father's death. What was his position now ? It was held that the fact of his succession to the Scottish title did not prevent his continuing to sit in virtue of his British title. A way was thus opened for the evasion of the judgement in the Hamilton case. Several British peerages were given during the eighteenth century to the eldest sons of Scottish peers.[2]

It is worthy of note that the proposal to refer the Hamilton case to the judges made on December 20, 1711, was rejected. This rejection is given as the first reason in the protest entered by nineteen peers (nine of them Scots) inserted in the *Journals* on this same day. Other arguments are that the Crown's prerogative to confer honours could not be taken away, except by some plain and express words to that effect in the Act, that ' the Duke of Queensbury, in all re-

[1] *L. J.*, vol. xxxvi, p. 517. June 6, Judges' decision. The Duke of Hamilton and Brandon took his seat on the 14th, *ibid.*, p. 527.

[2] See Rait, *The Parliaments of Scotland*, pp. 191–2. These were as follows : 1722, eldest son of the Duke of Montrose, created Earl Graham; 1722, eldest son of the Duke of Roxburgh, created Earl Ker ; 1766, eldest son of the Duke of Argyll, created Baron Sundridge ; 1776, eldest surviving son of the Earl of Marchmont, created Baron Hume of Berwick ; 1776, eldest son of the Earl of Bute, created Baron Cardiff. See G. E. C., vol. iv, p. 448 *n.*

spects in the same case as the Duke of Hamilton, was introduced, sat and voted in this House in matters of the highest importance, in two several Parliaments, as Duke of Dover, by virtue of a patent passed since the Union', that 'by this resolution, the Peers of Scotland are reduced to a worse condition, in some respects, than the meanest or most criminal of subjects'.[1]

Lockhart's explanation of the resolution is that there existed a dislike of the Scots peers in general and an unwillingness to see any more of them in the House of Lords.[2] Mar says that, on their own admission, what influenced most of the lords against Hamilton was 'their being weirie of our elections, or any way except the sitting peerage being fixt in families'.[3] If dislike of an elective peerage was so strong, could not another system be substituted? The Scottish peers, in high disgust at the treatment meted out to them on December 20, canvassed various different possibilities. At first they were inclined to say that either the Union must be dissolved or else there must be introduced an Act of Parliament reversing the House of Lords' decision.[4] The Tory Administration, which had been somewhat perturbed at the injury done to this valuable contingent of its supporters, was understood to be willing to offer that a considerable number of Scots peers should be made hereditary British peers with every right and privilege appertaining, and that the remainder should be eligible to become members of the House of Commons. But even if the Government was disposed to make such an offer, could it carry such a scheme through Parliament? The sixteen peers, unanimous on the Hamilton question with one single anonymous exception, met daily to discuss their best tactics. They considered that their likeliest chance of relief came from the Tories, but they were willing to abandon the Administration and go over to the Whigs if they would espouse their cause.[5] Lockhart was of opinion that the sixteen were in so favourable a strategic position, as holding the balance in the

[1] *Complete Protests*, vol. i, pp. 207–9.
[2] *Lockhart Papers*, vol. i, p. 545.
[3] *Mar and Kellie MSS.*, pp. 492–3.
[4] *Ibid.*, p. 492.
[5] *Ibid.*, p. 493.

House of Lords, that they ought to have been able to strike an excellent bargain at this time.[1] But no offer came from the Whigs, and it was the general opinion that in any case the Tories would be more serviceable because of their majority in the House of Commons.[2] The Government had indeed decided to do something for them. A special passage for the Lords only was inserted in the Queen's speech delivered to Parliament on January 17, 1711/12, referring to the Scottish grievance. 'This is a matter', the Queen was made to say, 'which sensibly affects her Majesty, and she therefore lays it before this House, earnestly desiring their advice and concurrence in finding out the best method of settling this affair, to the satisfaction of the whole Kingdom.'[3]

This pleased the Scottish peers considerably, but nothing came of the Queen's intervention. There were new discussions of the Act of Union—as to which sections were fundamental, which alterable, as to whether the House of Lords' resolution was not repugnant to the fourth section of the Act, which declared that the privileges and private rights of the subjects of both kingdoms could not be taken away unless they were expressly excepted in other sections of the Act. But the House declined to rescind its former judgement.[4] All that it would do was to come to a resolution, which was never acted upon: 'That the sitting of the Peers of Great Britain who were Peers of Scotland before the Union, in this House, by Election, is alterable by Parliament at the Request of the Peers of Great Britain who were Peers of Scotland before the Union, without any Violation of the Union.'[5] In token of their indignation, the Scottish peers decided to absent themselves from the Chamber until some measure of relief was afforded them. They actually stayed

[1] *Lockhart Papers*, vol. i, p. 538. [2] *Mar and Kellie MSS.*, p. 493.
[3] *L. J.*, vol. xix, p. 358; *Portland MSS.*, vol. v, p. 138.
[4] *P. H.*, vol. vi, 1063–4; Tindal, vol. xvii, p. 451.
[5] *L. J.*, vol. xix, pp. 364–5. Jan. 25. This resolution was based upon the report of a select committee which was appointed to consider the Queen's message. The committee asked leave to sit again and this was agreed to. On Feb. 4 the whole House was in committee on the subject (*ibid.*, p. 371), but there were no further proceedings.

away two days, to the Government's annoyance, but without any advantage to themselves.[1]

We have already seen that Oxford gave as one of the reasons of the celebrated creation of twelve Tory peers that it was necessary to administer a sharp shock to the Scots lords and to show them that they were not as indispensable as they supposed,[2] since ' they now come to expect a reward for every vote they gave '. Whether as a result of the ministerial reinforcement in the Upper House or not, the agitation produced by the Hamilton case died down. ' They gave out that an expedient would be found that would be to the satisfaction of the peers of Scotland, but, nothing of that appearing, it was concluded, that the satisfaction was private or personal.' [3] Already the venality of the Scottish members of both Chambers had become a matter of public report. The Duke of Beaufort, receiving £1,000 in bank-notes, sent anonymously, told the messenger who brought it, ' 'twas certainly meant for some Scotch lord, and gave it back and would not receive it.' [4] And this conception came to be enshrined in some of the most popular and effective controversial literature of this great age of the political pamphlet. In Arbuthnot's *History of John Bull* the Scots are depicted as ' always asking for drink money ', and as ' having more than their share of the Christmas-box ',[5] and Swift's *The Public Spirit of the Whigs* contains a fierce invective against the Scottish nobility, who were so numerous that all the revenues of their country were scarce sufficient to provide for them according to their conception of their own dignity.

Not even the Hamilton case was as heavy a grievance as

[1] *Mar and Kellie MSS.*, p. 496; Wodrow's *Analecta*, vol. ii, p. 8. ' Our Scots Peers' Secession from the House of Lords makes much noise; but they doe not hold by it. They sometimes come and sometimes goe, and they render themselves base in the eyes of the English.'

[2] *Supra*, p. 115.

[3] Tindal, vol. xvii, p. 451.

[4] Peter Wentworth to the Earl of Strafford, Nov. 27, 1711. *Wentworth Papers*, p. 216.

[5] J. Arbuthnot, *The History of John Bull* (1889 ed.), Pt. ii, v, p. 93. There is a typical begging letter, contained in *Portland MSS.*, vol. v, p. 26, from the Duke of Atholl to Oxford, July 1, 1711. The Duke entreats Oxford to remind the Queen of the pains he had taken regarding elections and his constant support of Her Majesty in the House of Lords during the last eight months.

the imposition by the Government in 1713 of a tax on malt at sixpence the bushel, which was to be laid on both England and Scotland. The Scottish representatives argued that the tax would fall much more heavily upon the Scots than the English, owing to the inferior quality of Scottish barley, and that in any case it was an infringement of the financial clauses of the Act of Union. So serious was the Scottish opposition that Ministers condescended to give a private assurance that, even were the bill passed, no attempt would be made to enforce it north of the Tweed. In spite of this, the Scots were thoroughly out of temper. To many of them the Malt Bill came as the last straw—as the final demonstration that the Union had been a blunder and that Scotland had derived and would derive no advantage from it whatever.[1] Argyll himself was now declaring that he was disappointed with the results of the Union, that it benefited neither England nor Scotland. It was resolved, if only as a demonstration, to move for a repeal of the Union, and to do this in the House of Lords where, parties being still very evenly divided, the Government would be seriously embarrassed should all sixteen Scottish peers vote *en bloc* against them. Application was made to both Whigs and Tories in the English peerage with a view to securing powerful assistance. Even Somers and Halifax, two of the chief architects of the Union, were induced to give their support.

On June 1 the Earl of Findlater[2] asked for leave to bring in a bill for the dissolution of the Union.[3] He had been one of the zealous advocates of the Treaty of Union in the Scots Parliament in 1706 and 1707, and Lockhart notes with evident satisfaction how he had to eat his words.[4] But Findlater's was a half-hearted apologetic sort of performance. He did little more than enumerate the chief grievances of the Scots since the Union—the loss of their

[1] *Lockhart Papers*, vol. i, p. 429. In April Montrose proposed to present a memorial to the Queen on behalf of the Squadrone on the Scottish peers' grievances. He gave a copy to the Treasurer to read. The Treasurer's comment was: 'My Lord, this is a libel against the Ministry, and not a memorial.' He refused to allow it to go forward. Wodrow's *Analecta*, vol. ii, pp. 192–3.

[2] James Ogilvie, fourth Earl of Findlater, first Earl of Seafield.

[3] *L. J.*, vol. xix, p. 556.

[4] *Lockhart Papers*, vol. i, p. 435.

own Privy Council, the extension of the treason law of England to the northern nation, the Hamilton peerage decision, and now this hated malt tax. The bill which he asked leave to introduce was one for dissolving the Union, but securing the Protestant succession in the house of Hanover, for maintaining the Queen's prerogative in both kingdoms, and for preserving unity and good correspondence between them. Mar, who seconded Findlater, spoke much more warmly. But the most spirited speech was that of Argyll, who—in this followed by other Scottish peers—took the line that whereas the Union had been entered into for the purpose of increasing amity between the two kingdoms, it had actually been productive of animosity. He had, he said, supported the Union because he had been anxious for the maintenance of the Hanoverian succession ; and zeal for that cause and detestation of the Pretender were as emphatic in his speech as dislike of the Union. The view expressed by Whig members of the House was that after having made fair trial of the experiment they had become convinced that it was not a success. The Court lords were unanimously against the motion. North and Grey opposed it, ' not without some reflections on the poverty of the Scottish people '. Peterborough likened the Union to a marriage. ' Though, sometimes there happened a difference between man and wife, yet it did not presently break the marriage. So, in the like manner, though England, who, in this national marriage, must be supposed to be the husband, might, in some instances, have been unkind to the lady, yet she ought not presently to sue for a divorce, the rather because she had very much mended her fortunes by this match.' The Union was a solemn contract. Islay protested against this simile. Peterborough retorted that the contract could not possibly have been more solemn, ' except they expected it should have come down from heaven, like the Ten Commandments '. In the division the voting was equal, there being 54 on each side, but the Government held four more proxies than their opponents (17 as against 13), and thus narrowly was Findlater's motion defeated.[1]

[1] For this debate, Tindal, vol. xviii, p. 83 ; *P. H.*, vol. vi, 1718–19.

There was again very close voting on the motion to commit the Malt Tax Bill, this being carried by 85 to 83. The voting would have been equal, and the motion would in consequence have been lost, in accordance with the rule *praesumitur pro negante*, had not two of the Scottish peers been absent without leaving their proxies. The bill finally passed by 64 to 56, four English and fifteen Scottish peers signing a protest against the bill as an infraction of the Union and because it placed a burden upon Scotland beyond her capacity to bear.[1] Some Scottish Jacobites and high Tories had set great hopes upon the Repeal Bill, but there was little reality in the whole affair, which was perhaps not much more than a theatrical gesture, intended to preserve the reputation of the sixteen peers in Scottish national opinion.[2]

After the abortive scheme of 1713 there came in 1719 one other attempt to alter the settlement of the Act of Union, in the Stanhope-Sunderland Peerage Bill, which included the substitution of twenty-five hereditary peers for the sixteen representative peers of Scotland. Many of the Scottish nobility, as we shall see, showed resentment against a measure which would permanently have excluded them and their descendants from sitting in the House of Lords; but on the whole the agitation against the project would seem to have lacked force, and hope of being included among the fortunate twenty-five to have been a stronger motive than fear of exclusion.[3] The defeat of the Peerage Bill was in no way due to the efforts of the Scottish magnates.

The system of a representative Scottish peerage in the House of Lords has not been challenged since 1719, though the record of the peerage elections in the eighteenth century is not edifying, the same methods being used in their case as in that of elections to the House of Commons. Government manipulated elections almost from the start. Already in 1708 it is regarded as a great advantage if a candidate can say that he has the Queen's support for his candidature. So Lord Orkney writes to his brethren saying that Her Majesty approves his being chosen, while Hamilton seeks to

[1] *L. J.*, vol. xix, p. 507; *Complete Protests*, vol. i, pp. 217–18.
[2] *Lockhart Papers*, vol. i, p. 436.
[3] *Infra*, p. 173.

influence votes against her present advisers by spreading the report that the Queen is anxious to get rid of them. Nevertheless the latter succeed in carrying nearly the whole of their 'list'.[1] The difficulties of compiling that list are made clear in Mar's letters. There are a certain number who by reason of their weight and influence must in any case be on it; that leaves only a few vacancies. There are many candidates for these positions. Some, being refused, straightway go over to the other side and try to get put upon their list. The method used to decide among the faithful is that of throwing the dice, 'which tho equall yett not very politicall'. Godolphin expresses himself as being well pleased with the result of this election.[2] At the election in the autumn of 1710 the Duke of Argyll 'destroyed the very appearance of liberty in producing a list, and openly telling the Peers, the Queen would have those men chosen'.[3] Thus began the practice of compiling a Queen's or King's List, and this, though viewed with pious horror by Defoe in 1710, remained the recognized procedure down to 1832.[4]

[1] *Mar and Kellie MSS.*, pp. 445–6.

[2] *Ibid.*, p. 453; *Godolphin Papers*, Add. MSS. 28055, ff. 406–9; see also J. Chamberlayne, *Magnae Britanniae Notitia* for 1708, pp. 511–15, 725–8. The failure of Hamilton and his party produced the threat to 'make all the confusion and disturbance they can, and have a protest ready against the election itself'. Mar comments (p. 463), 'We are like to have a committy of controverted elections, a very new thing in the House of Lords.'

[3] *Portland MSS.*, vol. iv, p. 633. Defoe to Harley, Nov. 25, 1710.

[4] See Rait, *The Parliaments of Scotland*, pp. 308–9, on the electioneering activities of Lord Milton, who was Justice Clerk from 1735 to 1748; T. Somerville, *My Own Life and Times, 1741–1841* (Edinburgh, 1861), p. 379.

CHAPTER VI

THE SEPTENNIAL ACT AND THE PEERAGE BILL

WITH the accession of George I there began the great Whig hegemony, which lasted unbroken till 1761. In the main it was a new generation that enjoyed the fruits of victory—not those who had borne the burden and heat of the late party conflict. Marlborough indeed was still to be seen in the House of Lords, solitary and maudlin, but in the spring of 1714 there died four of the great Whig stalwarts—Wharton, Halifax, Somers, Burnet. Influence passed into the hands of Sunderland, Townshend, and Stanhope. Sunderland, at least in Lady Cowper's opinion, became more powerful than Oxford had ever been.[1] Townshend, best known to most people because of his turnips, was an able man of business, honest and industrious, but inclined to be obstinate, testy, and impatient of contradiction. He was no orator. 'He had been', wrote Lord Hervey later, 'the most frequent speaker in the House of Lords for many years, and was as little improved as if there had been no room for it.'[2] Chesterfield confirms this opinion. Townshend, he says, 'was a most ungraceful and confused speaker in the House of Lords, inelegant in his language, perplexed in his arguments'; but he adds one saving grace: he was 'always near the stress of the question'.[3] Stanhope, despite his disastrous defeat at Brihuega, had not forfeited the general admiration felt for a gallant soldier, an accomplished scholar, and a statesman of great personal integrity.[4]

[1] *Diary of Mary, Countess Cowper, 1714–20* (1864), p. 169: 'I have seen several Treasurers, but none with the Authority and unlimited Power of the Earl of Sunderland. The Earl of Oxford never had a quarter the Power, nor the Insolence, that Lord Sunderland had.'

[2] John, Lord Hervey, *Memoirs of the Reign of George II* (3 vols., 1884), vol. i, pp. 108–10.

[3] *Letters*, vol. iii, pp. 1408–9.

[4] Brit. Mus., Add. MSS. 23709, 'Notes for a History of the English Nobility.' The author expatiates on Stanhope's great accomplishments and his 'amiable benevolence.'

When he became chief Minister in April 1717 he was raised to the peerage with a viscounty. Next year he was promoted to an earldom. In the House of Lords he showed both his excellent qualities and his defects. He was frank, downright, and manly. But he was also impetuous in debate, and, like Townshend, apt to lose his self-control. Such were the principal leaders of the triumphant Whigs; after Stanhope's elevation they were all three members of the House of Lords, which still remained what it had been in the late reign—the nerve-centre of Government.

The Tories were not without hope of success in the first general election of the reign,[1] but the Whigs obtained a large majority. In the Lords a Whig majority reappeared. Before the end of 1718 no fewer than twenty new Whig peers had been created.[2] Only one of the new representative peers of Scotland was a Tory.[3] This alone was sufficient to turn the balance apart from other factors, one of which was the disgrace of some of the Tory stalwarts, and their consequent disappearance from the House.

In both Chambers the vindictiveness customarily shown in those days by a victorious party to a lately flourishing but now humiliated foe was at once made apparent in the debates on the address. Bolton[4]—after Wharton the most indefatigable of Whig borough-mongers—in moving the address of thanks, employed the same expressions which the Tories had used on Anne's accession with insulting reference to King William, and spoke of his assurance that the new Sovereign 'would recover the reputation of the Kingdom in foreign parts', which had recently been lost. Bolingbroke naturally objected to this sort of language, which was inserted in the address itself, and he moved the substitution of the word 'maintain' for 'recover'. A

[1] *Lady Cowper's Diary*, p. 19.

[2] See Appendix. Seventeen existing peers were promoted to higher dignities within the same period.

[3] Nottingham was rewarded for his services by being given office, though a Tory. But he wearied the King by his daily harangue of an hour and a half (*ibid.*, p. 30) and soon quarrelled with his colleagues. Resigning, he took with him the whole clan of the Finches, three of whom had held minor office.

[4] Charles Paulet, the second duke.

majority of 66 to 33 decided in favour of retaining the original phraseology.[1] The Commons did not content themselves with mere words, but in June 1715 went on to impeach Oxford, Bolingbroke, Ormonde, and Strafford. While Bolingbroke and Ormonde fled the country rather than face their accusers, Oxford elected to stand his ground. After he had made a speech in his own defence, in which he laid the blame for the ' restraining orders ' partly on the Queen herself, partly on Bolingbroke, Oxford was committed to the Tower by order of the Peers,[2] and thither he went amid the plaudits of the populace. He lingered in prison for nearly two years before his trial took place, and when it did, it led to a dispute between the Houses which resulted in his acquittal.

The managers for the Commons presented the articles of impeachment on June 24, 1717. As the Peers well knew, the reason for the prolonged delay in instituting proceedings had been the failure of the Secret Committee appointed for that purpose to discover any damning evidence which could justify the charge of high treason, and the Government had decided that only the minor charge of misdemeanour could be pressed. Harcourt, Oxford's principal champion in the House, being aware of this, suggested that the Commons should for the present confine themselves to the articles of high treason, and a motion to this effect was carried by 88 to 56.[3]

The truth would appear to be that the majority of the Peers had no desire to proceed to extremities against Oxford; they at all times disliked violent processes against their members—as they had clearly shown in the case of the impeachments of the Junto in the reign of William III—and in any case had not this man already suffered enough ? But the dictation of a course of procedure to the Lower House gave great umbrage to that assembly. Such a resolution as the Lords had passed ' might be of fatal consequence

[1] *L. J.*, vol. xx, pp. 6–7 ; *P. H.*, vol. vii, 44–6.

[2] Some lords would have liked to send Anglesey to join him. See *P. H.*, vol. vii, 1067. Anglesey had the temerity to say he feared ' these violent measures would make the sceptre shake in the King's hands '.

[3] *L. J.*, vol. xx, p. 572 ; *P. H.*, vol. vii, 485.

to the rights and privileges of the Commons of Great Britain '.[1] They examined precedents and came to the conclusion that they were perfectly justified in taking charges of treason and charges of high crimes and misdemeanours together.[2] The Lords retorted that where the matter was not determined by positive rule, it was a right inherent in any court of justice to order such methods of procedure as it deemed fitting. Moreover, the mixing together of treason and misdemeanours might ' prove to the prejudice of the peerage of Great Britain in all times to come '.[3] As the Upper House remained adamant, the Commons found themselves, as one member put it, in ' the unhappy dilemma . . . either to see so great an offender as the Earl of Oxford escape unpunished, or to acquiesce in proceeding on his trial in the manner prescribed by the Lords '.[4] Their *amour propre* was such that they decided the former to be the lesser evil and refused to take any further part in the impeachment. Thus when on the evening of July 1, the Lords being solemnly assembled in Westminster Hall, proclamation was made for the accusers of the Earl of Oxford to make good their articles of impeachment against him, no one appeared. The Peers then adjourned to their own Chamber, and there, his most determined enemies such as Marlborough having withdrawn, they unanimously declared the Earl of Oxford acquitted.[5]

Much more important as regards the relations between the two Houses than the impeachment of Oxford was the Septennial Bill of 1716, by which a parliament which had been elected for a period of three years was invited to prolong its existence for another four.[6] While the exceedingly

[1] *Ibid.*, 486.

[2] *C. J.*, vol. xiii, p. 609.

[3] *L. J.*, vol. xx, p. 524. For Conferences between the Houses see Hatsell, *Precedents*, vol. iv, pp. 41–2.

[4] *P. H.*, vol. vii, 492–4.

[5] *L. J.*, vol. xx, p. 525; Hatsell, vol. iv, pp. 237–8, 242–3, 248–9, 267–9, 285–7, 314, and foot-notes. See also the interesting memoir of the Harley family in *Portland MSS.*, vol. v, pp. 667–8.

[6] See the arguments of Abingdon and Trevor, *P. H.*, vol. vii, 296–8, and of Philip, Marquis, later Duke of Wharton in a circular letter to the freeholders, H. M. C., *Stuart Papers*, vol. iii, p. 547. See also Hallam, *Constitutional History* (1881), vol. iii, pp. 235–8; Stanhope, *History of England*,

important constitutional issue involved by this proceeding was raised in the debates on the measure, more attention was paid to the question of the relative advantages of long and short parliaments.

The Triennial Act of 1694 had been introduced into the House of Lords. It was decided to follow that precedent in the case of the new measure. The Duke of Devonshire, who brought in the bill on April 10, made the danger of the times his main argument. The Jacobite rebellion had indeed been suppressed, but 'the spirit of it remained unconquered'.[1] The House really came to grips with the question four days later in a debate, from which it is noteworthy that all strangers were excluded. Peterborough, Nottingham, Atterbury, Anglesey, Abingdon, all strongly opposed the measure. The Triennial Act was belauded as the very corner-stone of our liberties. It would look strange if 'the most popular of our laws should be repealed a year after the Protestant succession took place'. So extraordinary a step seemed to imply that the Government was very weak and that the people of England were not to be trusted at a general election.[2] Atterbury, in a speech 'of infinite tact', felicitated this free nation, now to be governed by a standing army and a standing parliament.[3]

To the average peer the most important aspect of the measure was its probable effect upon his electioneering influence. It was argued that the bill would promote corruption. 'The longer a parliament is to last, the more valuable to be purchased is a seat in it.'[4] As Shrewsbury laconically put it, 'an annuity of seven years costs dearer than an annuity of three'.[5] But the general point of view was that of Lord Dorset,[6] who supported the present Bill because 'triennial parliaments destroy all family interest, and subject our excellent constitution to the caprice of the multitude'.[7] Islay deplored the fact that £40 to-day was no more valuable than 40 shillings was when the franchise was

1713–83 (7 vols., 1858), vol. i, pp. 201–2; Dicey, *Law of the Constitution* (1902), pp. 44–5.

[1] *L. J.*, vol. xx, p. 325; *P. H.*, vol. vii, 295.
[2] *P. H.*, vol. vii, 303–4.
[3] *Stuart Papers*, vol. ii, p. 123.
[4] *P. H.*, vol. vii, p. 304.
[5] *Stuart Papers*, vol. ii, p. 123.
[6] The seventh earl; created duke, 1720.
[7] *P. H.*, vol. vii, 297.

fixed. Electors were no longer gentlemen and men of substance, but for the most part the dregs of the people. For this reason frequent elections were productive of vice, debauchery, and corruption, ' for when gentlemen have laid out their estates in elections, they must exert their industry to find some means to make themselves amends '.[1] The comfortable majorities obtained for the Septennial Bill at all stages of its progress through the House of Lords may be taken as evidence that most of the peers were of opinion that infrequent elections best suited their electioneering interests. The third reading was carried by 69 to 36.[2]

In the Commons some resentment was expressed that a bill of this character should have originated in the Upper House. This in itself was sufficient argument against it. ' It is sent from the Lords,' said the incorruptible Shippen, ' and as it clearly relates to ourselves, I shall apprehend it inconsistent with our honour to receive it.' Bromley spoke in the same strain. ' No wonder the Lords, who are ever fond of power, have sent us a bill which admits of their having a share in the nomination of the House of Commons.' But he was sure the Commons would not acquiesce and so betray the interests of those they represented. The force of rhetoric was great, but the voting power of the Opposition was not commensurate, and they were soundly beaten—by 264 to 121.[3]

The best opinion of the time seems to have been in favour of the Septennial Act upon one ground or another.[4] Men who took diametrically opposed views as to its probable effect united in supporting it. There were peers who voted for it because they thought that it would increase their hold

[1] *Ibid.*, 302.

[2] The majority for committing the bill was 96 (including 19 proxies) to 61 (including 18 proxies). Leadam, *Political History of England* (ed. Poole and Hunt), vol. ix, p. 268, gives 77 to 43 (the figures without proxies). Stanhope, vol. i, p. 203 *n.*, in his account of the second reading asks, ' How could Coxe assert that there were only 36 votes against it in the House of Lords ? ' But Coxe's figures (*Memoirs of R. Walpole*, vol. i, p. 137) are correct for the third reading.

[3] See *P. H.*, vol. vii, 316, 333, 379.

[4] So Townshend (see *Stuart Papers*, vol. ii, pp. 154–5), and Somers (see Coxe, *Memoirs of R. Walpole*, vol. i, p. 139).

over the membership of the House of Commons; there were members of the House of Commons who voted for it because they thought that it would render them more independent of the Peers. Speaker Onslow, no mean judge in matters affecting his own Chamber, was, we are told, 'frequently heard to declare, that the passing the Septennial bill formed the era of the emancipation of the British house of commons from its former dependence on the Crown and the house of lords'.[1] The verdict of so high an authority is not lightly to be ignored; but the history of the Lower House during the remainder of the eighteenth century does not suggest independence of outside influence. And if it was plausibly argued that, it being at election times that corruption was practised, the less frequent the elections, the less extensive the corruption; sounder was the counter-argument that a seven years' parliament enhanced the value of the ownership of a seat and added a new zest to borough-mongering. Frequent elections at least brought members into fairly constant touch with their constituents, whereas longer parliaments left them more in the hands of their patrons and more amenable to ministerial manipulation.[2]

One of the motives of the Ministry in bringing in the Septennial Bill was the desire to maintain their monopoly of power, which was like to be threatened by the springing up round the person of the Prince of Wales of a new faction hostile to the Court. 'Young hopeful', writes a Jacobite observer in the autumn of 1716, 'is making a party of his own, in opposition to the present managers with whom he is not at all pleased.'[3] By the beginning of 1717 the antagonism between the Prince and his father had become

[1] Somers (see Coxe, *Memoirs of R. Walpole*, vol. i, p. 137).

[2] See Lecky, *History of England in the Eighteenth Century* (7 vols., 1904), vol. i, p. 284. 'The wealth of the great Whig houses, the multitude of small and venal boroughs, the increase of Government patronage, and the Septennial Act, which by prolonging the duration of Parliament, made it more than ever susceptible to ministerial influence.' See also *The People's Book*, a manifesto in favour of parliamentary reform, issued in 1831, where the corruption of Parliament is attributed very largely to the Septennial Act, pp. xxviii–xxxi.

[3] *Stuart Papers*, vol. ii, p. 396; *Lady Cowper's Diary*, pp. xi–xii, entries for 1720 *passim*.

notorious, and the Jacobites were overjoyed. Leicester House, the Prince's residence, became the rallying ground for all Tories and discontented Whigs, and when at the end of 1716 there took place a complete breach between Townshend and Walpole on the one hand and the leaders Stanhope and Sunderland on the other, Walpole went over to the enemy's camp and threw all his energies into the work of fighting everything that the Ministry did. Thus, although the ambitious designs of Cardinal Alberoni and Elizabeth Farnese clearly involved a Spanish menace to Great Britain, Walpole strenuously assailed the Mutiny Bill in the Lower House,[1] while Argyll did so in the other.

The Opposition also exerted themselves against the very modest scheme of the Ministry for the relief of the Dissenters by the repeal of the Occasional Conformity and Schism Acts and the amendment, in one or two particulars, of the Test and Corporation Acts. The measure was introduced by Stanhope, now an earl, without notice on December 13, 1718, as a bill for strengthening the Protestant interests in these kingdoms.[2] In recommending the second reading he spoke of the loyal adherence of the Dissenters to the Revolution and the Protestant Succession, and of the benefit which would accrue to the Church of England by the union of all true Protestants. Nottingham saw in the design to repeal his own beloved Act a menace to the Church of England; Cowper described the Test and Corporation Acts as 'the main bulwarks of our excellent constitution in Church and State'; Islay professed to see in the bill a threat to the Union, and 'if the Articles of the Union were broke with respect to one church, it might afterwards be a precedent to break them with respect to the other'. At a later stage in the debates on the measure the utterly intolerant point of view was put by Lord Lansdowne, to whom it appeared 'very surprising' that the merits of the Dissenters should be extolled in an assembly, scarce one member of which but could 'tell of some ancestor sequestered or murdered

[1] When, however, the bill was returned to the Commons, he recommended acquiescence, and this was decisive. Torrens, vol. i, p. 199.

[2] *L. J.*, vol. xxi, p. 24.

by them'. Haughty and sullen, the Dissenters had made no return for the favours already showered upon them. This speech concluded with a fervid eulogy upon the Royal Martyr.[1]

Most of the bishops were against the bill—even Wake, the Archbishop of Canterbury, despite his reputation for broadmindedness.[2] On the other hand, Hoadly, the celebrated latitudinarian Bishop of Bangor, and White Kennett, Bishop of Peterborough, argued strongly for it. The Test Act, said the former, had deprived the State of the services of many of its best citizens, and it exposed 'the most sacred institutions and ordinances to be abused by profane and irreligious persons'. It was said that the Occasional Conformity and Schism Acts were defensive measures; the same justification could be adduced for the persecutions of the early Christians and for the Inquisition. White Kennett struck the highest note. The word Church was sometimes most falsely abused; the phrase 'the Church in danger', often on the lips of silly women, had been used as a cloak for the most sinister designs. The Church, founded on a rock, could be in no danger so long as it enjoyed the light of the Gospel. It had been alleged 'that the Dissenters got more than the Church by the Revolution, though they had the least share in it'. The truth was that the Dissenters had obtained only the toleration they could have had from James II by complying with his wishes, while the English Church, had it not been for the Revolution, would have lost immeasurably.

Though the second reading was agreed to by 86 to 68, in committee radical amendments were introduced in accordance with what was evidently the general feeling of the House. The repeal of the Occasional Conformity and Schism Acts was accepted, but not the suggested alteration of the Test and Corporation Acts. In its truncated form the bill secured its third reading in the Lords on December 22—even in that form it was powerfully assailed in the House of Commons, Walpole, to his discredit, exerting himself against it, and it passed by only a narrow majority.

[1] *P. H.*, vol. vii, 568–70, 578–9. [2] *Ibid.*, 570.

Much the most interesting consequence of the quarrel in the royal family was the Peerage Bill of 1719.[1] The motives of Stanhope and Sunderland in deciding upon this remarkable project were doubtless mixed; but their chief incentive was certainly distrust of the Prince of Wales. Sunderland in particular had aroused such deep hostility in the breast of the heir to the throne that he had no hope of ever overcoming it, and he viewed the prospect of the Prince's accession to the throne with apprehension.[2] This apprehension was shared by the whole of the Court party. Must not the accession of the Prince of Wales inevitably involve their overthrow, their complete supersession by the denizens of Leicester House? It was decided to do something towards drawing the dragon's teeth before he was unloosed. There appears to have been the fear that the future king would create a number of new peers from among his satellites and so obtain a controlling influence in what still remained the dominant Chamber in the Legislature. In order to prevent this possibility and to maintain their own existing ascendancy in the House of Peers, the party in power conceived the scheme of stereotyping the House as it then existed. Considering the circumstances in which it was conceived, the plan must be regarded as primarily a move in a party game, and not as a well-considered attempt at a genuine reform.[3]

It seemed at the outset as if the scheme for the limitation of the peerage would meet with entire success. Although it involved the curtailment of the Sovereign's power of creating peerages, the King's consent was easily obtained. His ignorance of the Constitution, his reliance upon his immediate counsellors, no doubt partly account for his compliance, but the fact that the bill was aimed against his hated son

[1] On the Peerage Bill see Stanhope, *History of England, 1713–83*, vol. i, pp. 354–66; Lecky, vol. i, pp. 212–32, esp. pp. 230–2; Hallam, *Constitutional History*, vol. iii, pp. 238–40; Pike, p. 363; E. R. Turner, 'The Peerage Bill of 1719' in *E. H. R.*, vol. xxviii, pp. 243–59; *P. H.*, vol. vii, 606–27.

[2] *Onslow MSS.* (H. M. C.), pp. 509–12; Coxe, *Memoirs of R. Walpole*, vol. i, p. 222.

[3] See *Retrospective Review*, Ser. II (1828), vol. ii, p. 125. 'The real advantage and policy of the measure does not appear to have been so much considered in the object as to obtain a triumph for party feeling.'

probably constituted its chief merit in his eyes. There were reasons why the scheme should commend itself to each branch of the Legislature. The fact that any limitation in the number of the peerage must involve an increase in the importance of each individual peer was likely to appeal to most existing lords; a measure which would make a repetition of the wicked Tory creation of peers in 1712 for ever an impossibility would surely be popular with all the Whigs in the House of Commons. But for the notorious creation of those twelve peers, it is safe to say that there would have been no Peerage Bill at all, for the one specious argument in its favour was that it would put an end to the abuse of the royal prerogative against which the Whigs had been declaiming ever since the appearance of the 'Tory dozen'. Clause 16 of Oxford's impeachment had alleged that he

'being most wickedly determined, at one fatal blow, so far as in him lay, to destroy the freedom and independency of the House of Lords, the great ornament and nearest support of the imperial Crown of these realms . . . did advise her Majesty to make and create twelve peers of the realm and lords of parliament . . . and prevailed on her to exercise in the most unprecedented and dangerous manner that valuable and undoubted prerogative, which the wisdom of the laws and constitution of this Kingdom hath entrusted with the Crown for the rewarding signal virtue and distinguished merit.'[1]

On February 28, 1719, the peerage scheme was ushered into the House of Lords by the Duke of Somerset, the senior Protestant duke. Its object, he stated, was to prevent the repetition of creations for merely party purposes and to preserve the dignity of the peerage, especially in view of the

[1] *L. J.*, vol. xx, p. 110. It is worth noting Oxford's replication, p. 212. It was, he said, the undoubted right of the Crown, as the fountain of honour, to create peers as well during the time of Parliament as when it was not sitting. The exercise of this prerogative did not require the advice of the Privy Council, but came from 'the beneficent and gracious disposition of the sovereign'. The twelve persons made peers were all of distinguished merit; the net increase in the peerage was slight, as many titles had recently become extinct, and some of those created would in the ordinary course have become peers by descent. The prerogative had been as extensively exercised before, especially in the reigns of Henry VIII, James I, and William III.

increase in the creation of peers in recent years. He outlined the main proposals: 'That the number of English peers should not be enlarged beyond six above the present number, which upon failure of male issue might be supplied by new creations; that instead of the 16 elective peers in Scotland, 25 be made hereditary on the part of that kingdom, whose number, upon failure of heirs male, should be supplied by some other Scotch peers.'[1] As there were, in 1719, 220 members of the House of Lords in all, this means that, had the Peerage Bill become law, there would never have been more than 235. The 178 English lords (exclusive of the 26 bishops) would have been increased to 184; the 16 representative Scottish peers would have been replaced by 25 hereditary peers. The only subsequent alterations in the composition of the peerage would have been the optional filling up of vacancies due to the failure of male heirs to a title. The Blood Royal was to be excepted from the operation of the Bill. Such was the perfectly simple plan now introduced by Somerset, with the support of Argyll. The only opposition came, not unnaturally, from Oxford, who detected in the motion some ulterior motive, and declared that he would never consent to 'the lopping off so valuable a branch of the prerogative', the abstracting of 'the brightest gem from the Crown'.[2] Sunderland answered that titles became extinct with such frequency that the Crown would be left with ample opportunity for the exercise of its prerogative.[3]

The debate was adjourned until March 2, when a message was read from the King, acquainting the House that he had so much at heart the settling of the peerage 'upon such a foundation, as may secure the freedom and constitution of Parliament in all future ages, that he is willing his prerogative stand not in the way of so great and necessary a work'.[4] So fierce an altercation arose between Oxford and Sunderland over this royal message that the House had to intervene, ordering that the dispute should be carried no farther.

[1] *L. J.*, vol. xxi, p. 83; *P. H.*, vol. vii, 589. The rule was to apply to baronies created by writ as well as to peerages granted by patent, that they were not to be 'for any longer estate than for the grantee and the heirs male of his body'. [2] *Ibid.* 590. [3] *Ibid.* [4] *L. J.*, vol. xxi, p. 84.

The House being in committee next day, Cowper advanced a reasoned argument against the proposed change regarding the Scottish peers. It was a breach of the Union and most unfair to all Scottish peers outside the fortunate twenty-five, since they would be reduced to a worse condition than any other subjects, neither electing nor elected, neither representing nor represented.[1] Nearly all the other speeches were in favour of the bill, the most interesting being one by the Earl of Islay, who argued that the present proposal would be a distinct advantage to the nobility of Scotland, because it increased their representation in the House of Lords from sixteen to twenty-five, and converted their elective into a hereditary right. He had always, he said, disliked the elective system as ' derogatory to that august assembly ', and ignominious to the Scottish peers.[2]

As the upshot of this day's debate, the Lords by a large majority (83 to 30) adopted eleven resolutions embodying the substance of Somerset's proposals,[3] and on March 25 the judges were instructed to frame a bill based on the resolutions. The bill thus produced received its first reading on the 14th,[4] and its second reading on the 16th.[5] On the latter occasion three Scots peers—the Earl of Abercorn, the Earl of Dundonald, and Viscount Falkland—petitioned to be heard against the bill. The House, without dividing, rejected the petition, on the ground that it was the sole judge of what relates to the peerage.

There had been some considerable agitation among a number of the Scottish nobility against the bill, and especially against their present representatives, who complacently looked forward to being converted into hereditary members of the House of Lords. Dundonald had been in communication with a number of them.[6] Lord Ruglen had written to him on the 12th :

' I assure you that all the nobility here [Edinburgh] we meet with are in the utmost consternation and anger at the surprising

[1] *Ibid.*, pp. 86–7 ; *P. H.*, vol. vii, 591. [2] *Ibid.*, 591–2.
[3] *L. J.*, vol. xxi, p. 90. Six of the resolutions related to the Scottish peerage. [4] *Ibid.*, p. 100. [5] *Ibid.*, pp. 102, 120.
[6] See the interesting series of letters in *Portland MSS.*, vol. v, pp. 578–82.

things doing against us, and at the same time have the highest esteem for those worthy English Peers, that have spoken so well upon our subject, but an abhorrence to any of our sixteen that have gone into this destructive bill, which we hope will not pass, and for that end all imaginable pains will be taken to get the petition well subscribed.' [1]

The same day a general meeting of Scottish peers who happened to be in Edinburgh was held. This was not large, as the great majority were in the country. It was decided, however, to be content with getting the petition signed in the meantime by all who were on the spot, so as to allow it to be presented immediately, rather than wait till it could be circulated more widely.[2] Other signatures followed later, the Earl of Eglinton taking a very gloomy view of the situation. 'I acknowledge', he writes, 'I almost despair, for I think God will permit violence and oppression to take place, until He will fill up the measure of our iniquities.' [3] The response to the agitation in Scotland does not appear to have come up to expectations. Lord Balmerino, for example, was found willing enough to sign, 'but not forward to take much trouble about it'; [4] and Lockhart of Carnwath wrote bitterly about the disappointing result. He tells us:

'The King's [James III and VIII] friends in Scotland thought it a rare handle to spirit up the Peers and raise in them a just resentment of the injustice and indignity design'd against them and their familys. But it is scarce to be believed what little impression it made upon many, who, one would have imagined, should have had the highest resentment, but were so simple and mean-spirited as to credit and be carried off by the promises of being named amongst the number of the happy five and twenty, so as to approve at least not oppose the pernicious scandalous project.' [5]

It was not only in Scotland that signs of opposition to the bill were appearing during March. There were ominous

[1] *Ibid.*, p. 579.
[2] *Ibid.*
[3] *Ibid.*, p. 580.
[4] *Ibid.*, pp. 578–9.
[5] *Lockhart Papers*, vol. ii, p. 58. There is an interesting letter explaining his attitude with regard to the Peerage Bill written by Argyll in 1721 in H. M. C., *Mar and Kellie MSS.*, pp. 522–3. See also P. Hume Brown, *History of Scotland* (3 vols., 1911), vol. iii, pp. 160–2.

signs of coming trouble in the House of Commons, where the dissentients were exceedingly angry. There was talk of bringing charcoal into the House to burn the bill when it was sent down from the Lords, or of sending for a pair of shears to cut it up. These threats need not be taken very seriously; but the Government realized that, if without some further preparation for its reception among the Commons, it was sent to them at present, it ran serious risk of being rejected out of hand.[1] Thus, when the measure came up for its third reading in the Upper House on April 14, Stanhope rose at once to say, 'that this bill had made a great noise, and raised strange apprehensions, and since the design of it had been so misrepresented, and so misunderstood, that it was like to meet with great opposition in the other House, he thought it advisable to let that matter lie still, till a more proper opportunity'. It was accordingly allowed to lapse so far as that session was concerned.[2]

Public opinion had already been thoroughly aroused—not the public opinion of the masses, who showed such violent fanaticism at the time of the Sacheverell trial, but of the upper and upper-middle classes, who were able to take an intelligent interest in questions which were purely political or constitutional, and where neither the keen partisanship of religious creed nor the cogent argument of financial interest obtruded. One of the most interesting aspects of the Peerage Bill is the vigorous campaign conducted in the press by either side, the warfare of the pamphleteers, of whom Addison in *The Old Whig* and *The Patrician*, Steele in *The Plebeian*, Walpole, the Earl of Peterborough, and Viscount Molesworth were the chief.[3] It was an unhappy incident of this controversy that Steele and Addison, lifelong friends, took opposite sides in it. In the first two numbers of the pamphlet-periodicals which they produced there was a complete absence of personalities,

[1] H. M. C., *Rutland MSS.*, vol. ii, p. 193.

[2] *L. J.*, vol. xxi, p. 130; *P. H.*, vol. vii, 594.

[3] For a list of pamphlets on the Peerage Bill see *Retrospective Review*, *ut supra*, pp. 125 et seq. Others not mentioned here will be found referred to in the foot-notes to Professor Turner's article in *E. H. R.* See also *Somers Tracts*, vol. xiii, pp. 742–52.

but after this the tone grew bitter. A definite estrangement resulted, which had not been healed by the time of Addison's death.[1] During the two months March and April there was an extraordinary output of pamphlets, many of them written with outstanding ability. The arguments adduced in the press and in Parliament were of much the same tenor, and two of the protagonists at all events—Walpole and Steele—distinguished themselves in both spheres: yet it is worth while to consider separately the battle of the publicists, before passing on to the revival of the project in the next session.

The advocates of the Peerage Bill in the press are mainly concerned to answer four contentions: that the bill involved a breach of the Union, that it deprived the Crown of one of its most valuable prerogatives, that it involved an innovation in our constitution, that its effect would be unduly to aggrandize the House of Lords. The first was the least important criticism. The argument advanced to meet it was that the arrangement made regarding the representative peers in the Act of Union was not one of the fundamentals of the settlement.[2] As to the royal prerogative of rewarding merit by the bestowal of a peerage, the frequency and comparative regularity of extinctions—reckoned at this time as three in every two years—would, under the new system, give the Crown ample opportunity for recognizing conspicuous service to the State. All that the bill sought to do was to take away the power to create new peers *en bloc* to serve a turn. Such a use of the prerogative was pernicious, and the Crown gained lustre by voluntarily agreeing to renounce it.[3] The right to create an unlimited number of peers at will threatened the nice adjustment of the balance of powers in the constitution.[4]

[1] See Johnson's *Lives of the Poets* (Chandos Classics ed.), p. 233.

[2] *Considerations on the Peerage Bill address'd to the Whigs, by a Member of the Lower House* (1719), pp. 14–17; *The Peerage Bill as it relates to the Scots*, Brit. Mus. Political Tracts 8133, c. 58.

[3] *Some Considerations . . . relating to the Peerage of Great Britain* (1719), Brit. Mus. Political Tracts 1108, pp. 19–20

[4] *The Old Whig*, March 9, 1718/19, in a collection of tracts, including *The Town Talk, The Plebeian*, &c. (1789), pp. 177–80.

It was useless to argue that the abuse of the prerogative could be kept in check by punishing the evil Ministers who advised it. Experience proved that such Ministers did not meet with punishment. It seemed to be 'a Perquisite of the succeeding Ministers, the absolving of the previous Criminals'.[1] The prerogative menaced the independence of the House of Lords, the body which having the greatest share in the landed property in the country was fittest to legislate for it, with whom patriotism, the service of the country, was also self-interest, the body which formed the indispensable cement between King and people.[2] Thus, 'so long as the House of Lords is permitted to be in the power of the Court, we stand on a Precipice, with Ruin and Destruction surrounding us; which way soever we turn, we meet with nothing but dismal Prospects and dreadful Images'.[3]

The idea of the sacrosanctity of the constitution had been proving more and more powerful since the Revolution of 1689, and the perfection it then achieved had already become an article of faith with many Whigs. Thus the Whig supporters of this revolutionary measure were at great pains to demonstrate that it involved no breach of the constitution, since change and adaptation are of its very essence. 'It had never subsisted in this Age, had not our Predecessors always *alter'd it*, as the Necessity of the Times required.'[4]

The most crucial question was the probable effect of the Peerage Bill upon the powers and authority of the House of Lords. There were those who, like Islay, viewed it with favour because they regarded it as removing an objectionable intrusion of the elective principle. The bill, it is argued, remedies 'a defect acknowledg'd by every one, and for which every one wishes a cure may be found . . . by removing the precarious and dependent tenure of Election in every respect improper for that Station, and that gives them a

[1] *Remarks on a Pamphlet entitled, The Thoughts of a Member of the Lower House*, &c. (1719), pp. 4–7. This was written by Peterborough.

[2] *The Constitution explained in Relation to the Independency of the House of Lords*, Brit. Mus. Political Tracts 1108, pp. 11–24.

[3] *Ibid.*, pp. 34–5.

[4] *Considerations on the Peerage Bill addressed to the Whigs*, p. 8.

stability fit for men that compose Part of the highest judicature of this Kingdom '.[1] The fear that the bill would render the Lords over-powerful by making them too independent is laughed to scorn by Peterborough in a very fresh and vigorous paper. The peers are, he declares, the most harmless of mortals. To the query: 'What shall oblige these fixt, *independent Lords to comply* with the Laws?' he replies, 'My answer is short, either the King, or the House of Commons, the Civil Officers, the Army, or the Mobb.'[2] He ridicules the idea that the House can in any event become a national danger. 'Lords (Heaven protect us!) are such terrible Creatures, that one Grain more added in their Ballance, makes them Omnipotent and Irresistible, and capable to toss the Kings and Commons in a blanket.'[3] This view—that the Lords are, whatever happens, a harmless assembly—is not shared by the other pamphleteers, whichever side they take in the controversy. Those in favour of the bill concern themselves as a rule to show that 'the Freedom of the People is in much greater danger by *encreasing* than by *confining* the number of Peers'.[4] It was indeed allowed that limitation would enhance the consequence of the individual peer, but that was of no political moment—it would not increase the influence of the nobility collectively.[5] Political power follows property: Harrington's thesis, now become a commonplace, is duly trumped up. Consequently, the fewer men of wealth and substance promoted to the Upper House, the greater the influence of the Commons.[6] Moreover, limitation will prevent the control exercised by the peers over the composition of the Lower House from increasing further. Already the peers were able to choose some 150 members of the Lower House. What will happen if their numbers continue to increase? 'The House of Commons will be little else than the House of Peers over again; full of their creatures; not the Representatives of the Commons of Great Britain, but of the

[1] *Some Considerations relating to the Peerage of Great Britain* (1719), p. 24.
[2] *Remarks on a Pamphlet, &c.*, p. 33.
[3] *Ibid.*, p. 18.
[4] *Considerations on the Peerage Bill*, p. 14. Cf. *The Patrician*, No. 1, p. 11.
[5] *Considerations on the Peerage Bill*, p. 11.
[6] *Ibid.*, p. 12.

Lords.'[1] Limitation, on the other hand, must mean that greater and greater wealth, more and more positions of trust in Government will come into the possession of the Commons.[2] Supposing the number of peers had in the past always been fixed, what uproar would there have been had it been proposed to increase it![3]

Such is the gist of the case made in the press on behalf of the Peerage Bill. On the Opposition side it was contended that the capacity to reward merit by the grant of a peerage, without restriction, was a proper and healthy attribute of monarchy. As to the contention that the bill was necessary in order to put a stop to the abuse of creating peers to serve a specific party purpose, it was suggested that there were other and less objectionable means of attaining this end. For example, it might be made a rule that no peer should vote in the Upper House until two or three years after his entering it.[4] The proposal regarding the alteration of the status of the Scottish lords in Parliament was an outrage upon the Scottish nobility in general, the decision of the present sixteen representatives to support the measure, without first consulting their principals on the matter, being a defiance of the representative plan, to which alone they owed their places in the House of Lords.[5]

The opponents of the Peerage Bill reached the crux of the argument, when they asserted that the effect of the measure would be the conversion of the House of Lords into the very closest of close corporations. Against an evil or inert House of Commons there was always the remedy of a dissolution, but against such an oligarchical assembly as the other Chamber would become there could be no remedy of any kind. 'If this Prerogative is taken away,'

[1] *The Limitation of the Peerage the Security of the Liberties of the People of England* (1720), p. 20; *The Old Whig*, pp. 283, 285–6; *Considerations concerning the Nature and Consequence of the Bill now depending in Parliament, relating to the Peerage of Great Britain*, p. 21; *Six Questions stated and answered upon which the whole force of the Arguments for and against the Peerage Bill depends*, p. 9; *Considerations on the Peerage Bill*, p. 13.

[2] *Ibid.*, pp. 12–13; *The Old Whig*, p. 284. [3] *Ibid.*, p. 288.

[4] *Further Reasons against the Peerage Bill* (1719), Brit. Mus. Political Tracts 1108, p. 13.

[5] *The Plebeian*, No. 1, March 14, 1719 (in 1789 ed.), p. 258.

wrote Walpole, 'the House of Lords will be a fixed independent Body, not to be called to account like a Ministry, not to be dissolved or changed like the House of Commons.'[1] It would be simply a confederation of one or two all-powerful families. As to the vacancies which occurred on the extinction of a title, upon which the supporters of the bill placed such emphasis, it was obvious how they would be filled—'undoubtedly by the creatures and relations of those Peers who have at that time the greatest interest in the House, and whose requests to the Throne will very much resemble demands; and this honour, in all probability, will only be thought proper for their own families.'[2] A House, so composed, in its innate and selfish conservatism, would be a veritable 'stagnant pool'.[3] It would be impotent for good, 'because it is well known that the great business is always carried on by men created first in their own persons, and if such were now to be excluded, I need not say what would be the ability of the house'.[4] This was a just and damaging criticism. A hereditary Chamber is certainly dependent for its necessary rejuvenation, for the maintenance of some freshness and originality of outlook, upon its new recruits. But though power be wielded without vigour, it may be none the less exorbitant. Another writer is convinced that if the Peerage Bill pass into law, there is an end of responsibility of Ministers to the House of Commons.[5] Ministers were nearly always peers, and recent experience showed how reluctant was the House, even as at present constituted, to sacrifice one of its members to the mercy of the representative Chamber. The impeachment of the Junto in the reign of King William and that of Oxford had been utterly futile. The passing of this bill must mean the

[1] *The Thoughts of a Member of the House of Commons in relation to a Project for Restraining and Limiting the Power of the Crown in the future Creation of Peers* (Brit. Mus. Political Tracts 1108), p. 10.

[2] *The Thoughts of a Member of the Lower House*, p. 13.

[3] Addison twitted Steele with uttering a paradox when he maintained that the Peerage Bill would make the House of Lords very formidable, and at the same time mean and despicable, *The Old Whig*, p. 294. There was no real inconsistency, as Steele easily showed. *The Plebeian*, No. II, p. 317 and No. III, p. 345.

[4] *Ibid.*, No. IV, pp. 393–4.

[5] *Further Reasons against the Peerage Bill*, p. 15.

still further strengthening of the Ministry of the day in the House of Lords. It would be unassailably entrenched there. To Steele, resistance to the Peerage Bill seemed the only logical attitude for a true Whig. 'I am afraid', he says in reference to Addison's adoption of the title the *Old Whig*, 'he is so *old a Whig*, that he has quite *forgot his Principles*.'[1] As he says in another place, 'Whiggism, if I understood it aright, is a desire for Liberty, and a spirit of Opposition to all exorbitant Power in any part of the Constitution.'[2]

During the recess, warned by the press campaign of the difficulties, yet no less determined to attain their end, the Government took steps to overcome opposition in the approaching session of Parliament. For one thing, it proposed to repeal the Septennial Act and extend still farther the existence of the present House of Commons. As a bribe to accept a perpetual oligarchy in the other House, the present members of the Lower Chamber were to be given an indefinitely extended tenure in their own. This plan was abandoned owing to the advice of the Duke of Newcastle.[3] There still remained the methods of ordinary bribery, promises, and threats. It was to be represented to the Whigs that the measure was essentially Whiggish, and that its loss must inevitably mean that on the accession of the next sovereign the Tories would return to power, and the cause of the Whigs would be ruined ;[4] as an additional inducement, that if the bill were accepted, the peers would abandon their privilege of special protection against defamation, known as *scandalum magnatum*.[5] In spite of the activities of the Opposition in the press, it looked before the end of the recess as though the Ministers would prevail ; and a meeting of leading Opposition Whigs at Devonshire House showed these to be neither happy nor resolute. While looking for opportunities to embarrass the Government, they had come to the conclusion that the bill did not provide a good opportunity. Some found it inconsistent

[1] *The Plebeian*, No. II, p. 312. [2] *Ibid.*, No. I, p. 261.
[3] See Torrens, vol. i, pp. 236–8 ; E. R. Turner in *E. H. R.*, vol. xxviii, pp. 255–6. [4] See Coxe, *Memoirs of R. Walpole*, vol. i, p. 225.
[5] This was not actually abolished until 1887. See Pike, pp. 266–7.

with their political principles to oppose any limitation of the royal prerogative, whatever its nature and whatever the circumstances; others, being peers, rather liked the bill, though they disliked its originators. But there was one member of this conference—Walpole—who was convinced that the bill could be attacked with the utmost effect, because he was sure of the immensely strong appeal to the average member of the Lower House of the argument that the passing of the measure must mean the perpetual exclusion of the country gentleman from the House of Lords. If deserted by his party, he exclaimed, he would stand forth singly in opposition. His reasoning prevailed; it was resolved, before the meeting broke up, to fight the Peerage Bill.[1]

In his speech from the throne at the opening of the session, the King, declaring that 'no prince was ever more jealous to increase his own authority, than I am to perpetuate the liberty of my people', gave his special blessing to the project to 'secure' that part of the constitution 'which is most liable to abuse', and exhorted Parliament to resume the good work left imperfect the previous session.[2] On November 25 theTory Duke of Buckinghamshire, put up in the hope that he would bring his party with him, reintroduced the Peerage Bill. Next day it received its second reading. The only two noteworthy speeches seem to have been those made by Cowper and Sunderland.[3] Cowper dwelt upon the danger of precipitancy in so grave a scheme, and hinted at hidden motives on the part of its promoters. Sunderland, whose skill in debate during the proceedings on the Peerage Bill is said greatly to have enhanced his reputation,[4] replied that it was absurd to talk of precipitancy, as the scheme had been brought in during the last session, and had since been thoroughly examined. On the 26th the bill passed rapidly through the committee stage; on the 30th it was agreed to, and on December 1 it reached the Lower House.[5]

[1] *Onslow MSS.*, p. 459; Coxe, *Memoirs of R. Walpole*, vol. i, pp. 226–7.
[2] *L. J.*, vol. xxi, p. 162.
[3] *Ibid.*, p. 168; *P. H.*, vol. vii, 607–8.
[4] *Onslow MSS.*, p. 510.
[5] *L. J.*, vol. xxi, p. 178.

It had already been discussed there in the debate on the address, Shippen having expressed surprise at its reappearance, seeing that in the previous session it had miscarried, and also in view of the hostility to it known to exist in the Lower House.[1] The first reading took place immediately; the second on the 18th, when Lord William Paulet moved the committing of the bill.[2] Other speakers in its favour were Craggs, Aislabie, and Lechmere. The protagonists on the other side were Robert Walpole, Horatio Walpole, and Steele.

Steele was the first speaker against the motion, his arguments following the main lines of his article in *The Plebeian*.[3] He made great play with a phrase in the preamble to the bill: 'That sixteen peers of Scotland, by reason of many new creations since the Union, was not a sufficient and proportionable representation of the Nobility.' 'And therefore', exclaimed Steele, 'they shall not be represented at all!' But the chief burden of his speech was the oligarchical tendencies of the measure. The Lords were the great court of appeal; yet they consented to a bill which must necessarily render them an inefficient court of justice in the future. Judges, 'so made by the blind order of birth', would have no criterion but that of self-interest. It was urged that no addition to the powers of the Peers was contemplated in the bill, but the 'application' of the bill 'may be altered, when they are an unchangeable body'. 'Schemes of grandeur and oppression' might be engineered by them after the limitation which it would be vain for them to attempt 'when they are subject to an alteration, before their project could be ripened into practice and usurpation'.

The view of the average squire, whose importance Walpole, himself one of their number, so thoroughly appreciated, was expressed by Sir John Pakington.[4] The House of Commons, said he, had been too obsequious to Ministers. Here was their reward! Perpetual exclusion from titles of honour. 'For my part,' he observed, 'I never desire to be a lord, but I have a son, who may have that ambition.' Hampden,

[1] *P. H.*, vol. vii, 605. [2] *C. J.*, vol. xix, p. 178; *P. H.*, vol. vii, 609.
[3] *Ibid.*, 609–16. [4] *Ibid.*, 617.

Craggs, Lechmere, and other speakers for the Government produced the stock arguments in favour of the Bill—that it would rather decrease than increase the power of the Lords; that the Tory creations of 1712 had endangered not only Great Britain, but all Europe, and that it was most desirable, when the Sovereign actually volunteered to surrender a prerogative liable to such grave abuse, to seize the opportunity.[1]

It was left for Walpole to signalize once more his remarkable ascendancy over the House by delivering the decisive speech—one so powerful that by itself alone it ruined whatever chance of success the Peerage Bill had ever had. It was one of the greatest triumphs of his wonderful parliamentary career. 'His performance in the debate,' says Speaker Onslow, 'I have heard, was very great, and had as much of natural eloquence and of genius in it as had been heard by any of the audience within those walls. . . . He bore everything before him.'[2] Walpole began with a striking exordium. 'Among the Romans, the temple of fame was placed behind the temple of virtue. But if this bill is passed into a law, one of the most powerful of incentives to virtue will be taken away, since there will be no arriving at honour, but through the winding-sheet of an old decrepit lord, or the grave of an extinct noble family.' Had the bill originated with a peer of distinguished ancestry, it would have occasioned less surprise. 'A desire to exclude others from a participation of honours, is no novelty in persons of that class.' But this bill had been projected or at least promoted by some one who but recently was a member of the Lower House, 'and being admitted to the house of peers, is now desirous to shut the door after him.' The remarkable unanimity of their lordships in this matter ought to put the Commons on their guard. Whatsoever they stood to gain must be at the expense either of the Crown or of the Commons. The design of the Ministers was simply and solely to secure their power in the House

[1] *P. H.*, vol. vii, 618.

[2] *Onslow MSS.*, p. 459. For the speech itself see Coxe, *Memoirs of R. Walpole*, vol. i, pp. 229–38; *P. H.*, vol. vii, 618–23.

of Lords. The creation of the twelve peers had been but a temporary mischief; this would be perpetual. The delicate equipoise of the constitution would be upset, leaving the Peers independent of both Crown and Commons. This was no measure to secure the liberty of Parliament; all it secured was the irresponsibility of its Upper House, which would be welded into 'a compact impenetrable phalanx', possessed of a pernicious power 'to exclude, in all cases of extinction and creation, all such persons from their body as may be obnoxious to them'. How could the Lords possibly expect the Commons to acquiesce in their permanent exclusion from the peerage? Did not history give a sufficiently eloquent warning of the jealous exclusiveness, the overweening arrogance of the nobility, ever seeking the aggrandizement of their own order?

The appeal of this harangue was emphatic. By representing the Peerage Bill as an oligarchical conspiracy to place the country under the rule of a narrow caste, to close the peerage against all hope of entry, Walpole was primarily responsible for securing at the close of an eight hours' debate the large majority of 269 to 177 against committing the bill, after which its rejection was agreed to without a division.[1] If the Ministers contemplated a renewal of their attempt after this, as appears to have been the case, they were forestalled by the disaster of the South Sea Bubble, and their consequent fall from office.

Posterity, on the whole, has accepted Walpole's view of the Peerage Bill. Even after the defeat of the measure, oligarchical tendencies and influences in the eighteenth century are obvious enough. The House of Lords was, and during the whole period treated in this volume remained, a close corporation, largely controlled by a few dominant family connexions, but its exclusive character would obviously have been greatly intensified by the passage of the Peerage Bill into law. As Hallam puts it, the haughtiness of the aristocracy 'would be prodigiously enhanced by a consciousness of their power, and by a sense of self importance, which every peer would derive from it after the limitation

[1] *P. H.*, vol. vii, 624–7; *C. J.*, vol. xix, p. 186.

of their number'. The bill brought with it a real danger that the English peerage might degenerate into a mere caste, growing more and more out of touch even with the squirearchy. A persistent state of animosity between the Houses might easily have resulted. Constant friction between a House of Lords, predominant in the legislature and buttressed upon this Act of Parliament, and a House of Commons, ambitious for its own aggrandizement, might have had most serious consequences for the community. It would have been the more dangerous had there been taken away the one effective device whereby the Upper House could be brought into harmony with the other, and, in times of crisis, with the feeling of the nation—the ability of the Crown to create new peers, or at least to threaten to create them. It has indeed been maintained that in these circumstances had the great Reform Act of 1832 and the Parliament Act of 1911 been possible at all, it could only have been 'as the result not of constitutional amendment but of some such cataclysm as began upon the continent of Europe in the years after 1789'.[1]

[1] E. R. Turner, in *E. H. R.*, vol. xxviii, p. 259.

CHAPTER VII

WALPOLE AND THE OPPOSITION IN THE LORDS

§ 1. *Mainly Domestic Affairs.*

THE Stanhope-Sunderland partnership did not long survive the loss of the Peerage Bill; the bursting of the South Sea Bubble at the end of 1720 brought it to a disastrous termination. The question of the South Sea Company, being financial, was mainly the concern of the House of Commons. But the other Chamber also took some part in pursuing the culprits with zeal and animosity. It is worth noting that when the scheme was inaugurated there were found prophets of woe among the peers to echo the prognostications of Walpole in the Commons.[1] Of these was Philip, Duke of Wharton, son of the first marquis—a man of considerable natural parts, who made himself notorious by his extravagance and reckless dissipation. He seems to have been quite devoid of principles or sense of responsibility. The extraordinary thing is that he apparently owed his dukedom, conferred upon him while he was still a minor, to this absence of merit. He had been coquetting with Jacobitism, and it was hoped to keep this volatile son of the prince of Whig borough-mongers true to the Hanoverian interest by this elevation. The scheme was not successful.[2] Having distinguished himself by editing a periodical entitled *The True Briton*, an Opposition paper full of cheap patriotic clap-trap, this 'scorn and wonder of our days' married as his second wife an Irish maid-of-honour at the Court of Madrid, embraced Roman Catholi-

[1] For the proceedings in the Lords see *L. J.*, vol. xxi, p. 288, April 4, 1720; p. 290, April 5; p. 294, April 7. *P. H.*, vol. vii, 647–8.

[2] See Lewis Melville, *Life and Writings of Philip, Duke of Wharton* (1913), p. 78. 'The single instance of a dukedom being conferred on a minor—perhaps the most extraordinary bestowal of an honour that has been made in this country.' Mr. Melville leaves the Blood Royal out of consideration.

cism, took a commission in the Spanish army, acted as one of the Pretender's principal agents abroad, and died an outlaw at the age of thirty-two. No career could have closed more miserably. But for a few years the figure of the younger Wharton flits across the parliamentary stage, attracting attention by the outspokenness of his language, by something of his father's gift of humour, and in his superficial brilliance inviting curiosity as to whether this young rake might not, as other young rakes of his period had been known to do, burgeon forth into a statesman.[1]

If there were one or two peers who viewed the South Sea Company scheme with suspicion, the great majority gave it their support; the committing of the South Sea Company Bill having been voted by 83 to 17, and its passing without a division. But in the mania of speculation which seized upon the country in 1720, peers were caught as well as other people, and when the crash came Sunderland himself, the Duke of Portland, and others were heavily hit. Wharton was very much to the fore, loud in his demand for the discovery of those responsible for the blow to the country's credit. Stanhope, who had kept aloof from the speculation in South Sea Company's funds, declared that the estates of the criminals, whether directors of the company or not, ought to be confiscated. The House found considerable difficulty in prosecuting its inquiries, owing to the refusal of one important witness, Sir John Blunt, to answer questions.[2] Exasperated by this obstacle in the path of bringing vengeance on the Ministry, upon which object he had set his heart, Wharton turned violently upon Stanhope and

[1] A collection of Wharton's *Works* (with a memoir) was published in 1729 (3rd ed., 2 vols., 1740). Wharton was notoriously profane and the president of a dissolute Hell-fire Club. In 1721 Lord Willoughby de Broke, Dean of Windsor, drew the attention of the House to the prevalence of atheism, profanity, and immorality, and introduced a bill to secure the Thirty-Nine Articles against attack. The Dean's speech was aimed against no one more than Wharton. Imperturbably the Duke arose to oppose the bill. He ostentatiously took an old family Bible from his pocket and proceeded to parade his familiarity with St. Paul's epistles, from which he read extracts in support of the principle of toleration. He rejoiced in the opportunities for such solemn fooling. See *L. J.*, vol. xxi, pp. 508–11; *P. H.*, vol. vii, 894–5.

[2] *L. J.*, vol. xxi, pp. 386–8; *P. H.*, vol. vii, 697.

reviled him as a second Sejanus. Stanhope was of a choleric temper, and his reply was as vehement as the attack had been.[1] So deeply indeed was he affected by it that he had a seizure the same evening, from which he died the following day.

Wharton also distinguished himself in connexion with the attainder proceedings against Atterbury, when in 1722 the Bishop's complicity in a Jacobite plot was discovered. Representing that he proposed to speak against Atterbury when the Attainder Bill reached the Lords, Wharton obtained from Walpole all the evidence available; he was able to appreciate to the utmost its strength and its weakness,[2] and thus to make so effective a speech on Atterbury's behalf that a contemporary described it as 'heard with universal admiration, and . . . indeed, not unworthy of the oldest senator, or the most able and eloquent lawyer'.[3] The bill eventually passed by 83 to 43. Atterbury was exiled. On his journey he met at Calais Bolingbroke, who had just been pardoned, on his way back to England. It was indeed a remarkable exchange: for it may be said that since Bolingbroke's departure from the country Atterbury had been the most brilliant and the most dangerous Tory leader in the House of Lords. Bolingbroke had another remarkable career opening before him; his friend was to die in exile. Thus there passed from the parliamentary stage one of its most accomplished actors—in the histrionic sense—one of its most gifted orators, one of its keenest intellects.[4]

The personnel of the House of Lords was by this time very different from what it had been in the late reign. Not only had the Junto disappeared, but Sunderland, Oxford, Shrewsbury, and Marlborough had recently died, and

[1] *L. J.*, vol. xxi, p. 418; *P. H.*, vol. vii, 702–6.

[2] H. Walpole, *Catalogue of Royal and Noble Authors* (5 vols., 1806), vol. iv, p. 123. The *Stuart Papers*, vol. ii, are packed with evidence that Atterbury's eloquent protestations of innocence were entirely false.

[3] *Works of Thomas Newton, Bishop of Bristol* (6 vols., 1787), vol. i, p. 11; W. King, *Political and Literary Anecdotes of His Own Time* (1809), p. 35.

[4] See H. C. Beeching, *Francis Atterbury* (1909); also *Memoirs and Correspondence of Atterbury* (ed. F. Williams, 2 vols., 1869).

Cowper followed in October 1722. The new generation included some remarkable men, but they had not yet had opportunity to prove themselves, and the departure of Atterbury left a distinctly mediocre assembly. Its most outstanding figure at the time was Townshend, Walpole's partner. But there was no one in the House of Lords comparable either in natural ability or in political authority with Walpole in the other Chamber. The predominance of Walpole is, from every point of view, a remarkable portent. There had indeed been periods before when the chief Minister of the Crown had been in the House of Commons. Harley had been chief Minister while in the Commons. But he had not stayed there. He had very speedily gone up to the other House as a matter of course. Walpole preferred to remain in the Commons. It is true that of the eleven principal Ministers of the Walpole-Townshend Administration of 1721–7 only one other besides Walpole was a commoner. As arguments used in connexion with the Peerage Bill show us, it was still considered that the proper place for Ministers and the natural centre of government was the Upper House. It is not a little interesting that Walpole, who destroyed the scheme for the aggrandizement of the Lords in 1719, was during his long tenure of office to show, for the first time, that the very heart and directing power of the Government could be in the House of Commons. The situation was to become more marked when Townshend and Walpole quarrelled and the first of the 'great Commoners' of the eighteenth century enjoyed unrivalled pre-eminence. Partly for that reason, parliamentary history is much more interesting after the accession of George II than in the half-dozen years previous. With the supremacy of Walpole there came jealousy and resentment, and as the result a vigorous parliamentary combat. But between 1723 and 1730, though there is fighting, it is not of first-rate quality or first-rate interest. Some of the great figures of the succeeding period are already in the arena—Carteret, Chesterfield—but they have not yet attained their full stature.

The same hostility to a standing army and martial law that had been evinced in connexion with the Mutiny Act

of 1718, and that had been more or less in evidence whenever that annual measure reappeared,[1] inspired Wharton and Bathurst [2] in 1724 to talk ominously of the memory of Oliver Cromwell's army. That army 'which turned out of doors the Parliament that raised it ought to be a constant warning against regular troops'.[3] But with Argyll and Carteret supporting Townshend, the Opposition was not very effective. A better opportunity was afforded in the autumn of 1724 by evidence of very scandalous abuses in the Court of Chancery, and the blame, rightly or wrongly, was put upon the Lord Chancellor, Thomas Parker, Lord Macclesfield, who, whatever his personal guilt, was in any case officially responsible for the condition of the court. But there was no attempt to make party capital out of the business, and Walpole and the other Ministers quite cheerfully saw their colleague impeached in February 1724/5, for high crimes and misdemeanours.[4] Macclesfield was an able man and an equity judge of considerable distinction, but he had certainly given proof of avarice and favouritism. The Lord Chancellor was unanimously found guilty by his peers, and was subsequently sentenced to pay £30,000. Macclesfield was succeeded as Lord Keeper and Speaker of the House of Lords by Sir Peter King, a safe, upright, and uninspiring man.

The year 1730 is more important than 1727; the change of sovereign less significant than a change in the Ministry. Townshend and Walpole had not been working in harmony, and in May 1730 Townshend resigned. The undisputed supremacy of Walpole, thus commencing, greatly enhances

[1] See *P. H.*, vol. vii, 932–7, Dec. 1721.

[2] Allen Bathurst, 1684–1775. Created baron, 1711; created earl, 1772.

[3] *P. H.*, vol. viii, 382–93.

[4] Macclesfield had a brusque and high-handed manner, and in consequence had few friends and a good many enemies. See *Onslow MSS.*, p. 514. For the trial see *State Trials*, vol. xvi, pp. 767–1402; *P. H.*, vol. viii, 414–75. Lord Campbell thoroughly approves of the verdict, *Lives of the Lord Chancellors*, vol. iv, p. 556. 'Of all the impeachments recorded in our annals, I find no one marked by more honesty of purpose, more practical ability in the manner in which it was conducted, or more utility to the public in its results.' See also Hatsell, vol. iv, pp. 233-9, 250, 272–3, 288–9.

the interest of parliamentary history. Opposition becomes keener and more intense. During the greater part of the Townshend-Walpole Administration it had been ineffective, but latterly Bolingbroke, himself outside Parliament, had been lending his splendid abilities to the task of creating out of heterogeneous elements a united and organized Opposition party, and he had succeeded in linking together such diverse politicians as the arch-Tory, Sir William Windham, and the Whig, William Pulteney. Speaker Onslow, who was of course a strong House of Commons man, was of opinion that it was only about the Opposition in that House that Walpole troubled himself. 'If he got his affairs through that place', he observes, 'he was not very solicitous as to what might happen in the House of Lords, where the party against him was very small, and a speech or two of Lord Carteret and from two or three more, was all that he had to fear.' [1]

This may well have been Walpole's point of view: yet the Opposition in the Upper House was not to be despised, and we sometimes find it remarked that the speaking in the Upper House has been finer than in the Commons, when attacks have been launched upon the great commoner in both Chambers.[2] Moreover, the Opposition peers included two personalities more outstanding than any in the Lower House. First there was Carteret, formidable if only because of his marked influence at Court. He was not pre-eminently suited by temperament to be a parliamentary leader. One who considered it to be his *forte* to confound the chancelleries of Europe found the concerns of the average politician trivial. 'He thought', says Onslow, 'the business of consulting the interests and dispositions of the people, the conduct of business in Parliament . . . was a work below his application.' [3] This defect Onslow attributes to the fact of his never having been a member of the House of Commons. But Carteret's lofty contempt for the jobber, the place-hunter, and the flatterer rendered him inferior as a parliamentary fighter to Walpole, who studied and made abundant

[1] *Onslow MSS.*, p. 471.
[2] See H. M. C., *Carlisle MSS.*, pp. 161, 178. [3] *Onslow MSS.*, p. 471.

use of the follies and weaknesses of ordinary contemptible men. His overweening self-confidence, his arrogant and overbearing manner prevented him from ever becoming popular, despite an addiction to occasional conviviality, when this despiser of the common herd was wont to become as drunken as any humbler toper, whether lord or beggar.

Notwithstanding his very glaring faults and his lack of popularity, Carteret inspired his contemporaries with admiration. They recognized his great abilities, his bold and highly coloured conception of statesmanship, his extensive knowledge of European politics, his classical erudition. He had, says Chesterfield, quaintly, ' a most uncommon share of learning for a man of quality '.[1] He gave people the impression of possessing genius, of being a great man. Horace Walpole did not love him: yet he tells us that of the five great men he had known in his time, Carteret was most a genius.[2] Chatham was for years a keen adversary of Carteret, yet after his death he spontaneously paid tribute to his memory. ' I feel a pride ', he said, ' in declaring that to his patronage, to his friendship and instruction, I owe whatever I am.' [3] He at the same time gave it as his opinion that in ' the upper departments of government ' Carteret had no equal. Carteret's eloquence, which to-day would undoubtedly appear turgid and bombastic, and which even in his own day was caricatured,[4] appealed to most of his hearers as magnificent. It flowed, says Horace Walpole, ' from a source of wit, grandeur, and knowledge '.[5] Chesterfield describes him as one of the best speakers in the House of Lords, ' both in the declamatory and the argumentative way '. He was formidable in debate, sharp to detect his adversary's weakness. ' He had a wonderful quickness and

[1] *Letters*, vol. iii, p. 1418.

[2] *Memoirs of George II*, vol. iii, pp. 85–6.

[3] *P.H.*, vol. xvi, 1097.

[4] Carteret could speak of a war being ' stained with the blood of Kings, and washed with the tears of Queens '. Sir Charles Hanbury Williams ridiculed this style in a poem entitled *Pandemonium*, in which Carteret is made to conclude a prophetic vision of the ravages of war with the line, ' And Visiers' heads came rolling down Constantinople's streets.' See Horace Walpole, *Memoirs of George II*, vol. i, p. 168 *n.*

[5] *Ibid.*, vol. iii, p. 85.

precision in seizing the stress of the question, which no art, no sophistry, could disguise to him.' [1]

To many people Carteret's chief coadjutor in the House of Lords, the Earl of Chesterfield, is known only as the cynical author of the *Letters to his Son*, or as the man to whom Johnson addressed his devastating analysis of the system of patronage, or perhaps as the original of Sir John Chester in *Barnaby Rudge*. It is only an unjust impression of the man that can be obtained from so partial an acquaintance. He was a dilettante unquestionably, and his whole attitude to life was essentially cynical. Hervey tells us that ' he would not scruple to own that he thought the laws of honour in men and the rules of virtue in women, like the tenets of established religion, very proper things to inculcate, but what the people of sense and discernment of both sexes, professed without regarding and transgressed while they recommended '.[2] But Chesterfield had certain solid qualities. He had a real aptitude for diplomacy, and showed outstanding skill as a negotiator on a number of different occasions as ambassador to Holland, while as Lord-Lieutenant of Ireland he proved one of the most conciliatory, and at the same time one of the most efficient, administrators in the troubled history of English rule in that island. It has indeed been maintained that at one time he gave promise of being one of our greatest statesmen.[3] And if that promise was disappointed and outstanding talents largely wasted, the fact that Chesterfield's abilities were altogether out of the ordinary must not be forgotten.[4] He probably was the

[1] *Letters*, vol. iii, p. 1418. See also A. Ballantyne, *Lord Carteret* (1887), pp. 385–6. Ballantyne's biography is hardly adequate to its subject. For Carteret's genealogy see G. E. C., vol. v, p. 527.

[2] *Memoirs of the Reign of George II*, vol. i, pp. 95–9. Hervey hated Chesterfield and lingers lovingly over a detailed picture of his personal ugliness, which is not easily reconciled with extant portraits.

[3] See B. Williams, *Life of Chatham*, vol. i, pp. 54, 184; Sichel, *Bolingbroke*, vol. ii, p. 240. See also Cowper's address to Chesterfield (as Petronius) in the *Progress of Error*, ll. 335–52.

[4] His enthusiastic biographer, Maty, terms him ' a nobleman unequalled in his time, for variety of talents, brilliancy of wit, politeness and elegance of conversation. . . . His conduct in public life was upright, conscientious, and steady; in private, friendly and affectionate; in both, pleasant, amiable and conciliating.' Maty's memoir is prefixed to a collection of

adversary that the Ministerial representatives in the House of Lords most dreaded, for his wit was as mordant and merciless as it was brilliant, and enemies of the Government flocked to the House whenever it was known that he was to speak, in order to enjoy the spectacle of their protagonists reduced by his barbed tongue to impotent discomfiture.[1]

Beside these two, Carteret and Chesterfield, the other stalwarts ranged against the Government were pygmies. The Bathursts, Bingleys, Gowers, Straffords, and Abingdons were pertinacious enough and useful reserves, but they were not men of distinction or power. The chief spokesman for the Government was the Duke of Newcastle, whom Walpole chose as his chief colleague and his representative in the Upper House, because he was extremely useful and yet could not possibly be regarded by any one as a rival in power and authority. Of Newcastle's influence and importance in the House, whose leader he had already early in his life become, it will be necessary to speak at length later on : it is sufficient for the present to say that, although he was dogged and tenacious in debate, he certainly did not shine as a speaker. There was a much more forceful personality at this time on the side of the Court, although he subsequently went over to the other side and proved a most valuable reinforcement to the Opposition. This was John, second Duke of Argyll, whose animosity to Marlborough in the late reign had endeared him to the Tories, but whose decisive action, with Shrewsbury and Somerset, when Queen Anne lay on her death-bed and the succession seemed in danger, had brought him into high favour with George I. He had commanded the royal forces at Sheriffmuir, but had returned from Scotland much dissatisfied, and had then commenced to ingratiate himself with the Prince of Wales. This most powerful of all Scottish magnates was essentially an ambitious soldier, resentful of

Chesterfield's *Miscellaneous Works* (2nd ed., 4 vols., 1777–9). There are biographies by W. Ernst (revised ed. 1906) and W. H. Craig (1907). There are numerous editions of Chesterfield's *Letters*, the best by J. Bradshaw, (3 vols., 1892).

[1] *Onslow MSS.*, p. 472.

THOMAS PELHAM-HOLLES, FIRST DUKE OF NEWCASTLE

From the portrait by W. Hoare

a rival, haughty, fiery of temper, impatient of contradiction, extremely prone to take offence. But he had, says Hervey, 'very good parts, and much more reading and knowledge than generally falls to the share of a man educated a soldier and born to so great a title and fortune'.[1] And he was something of an orator. Pope's lines are familiar:

> Argyle, the state's whole thunder born to wield,
> And shake alike the senate and the field.[2]

He seems to have been an extremely fluent speaker with a declamatory style, and as he was extraordinarily handsome and had great dignity of pose and manner, he was one of the most striking figures in the House.[3]

Argyll's younger brother, Archibald, Earl of Islay, who succeeded to the dukedom in 1742, was more completely in Walpole's confidence. Although they acted in close concert in promoting their common Campbell interest, the brothers hated one another cordially, and they were extraordinarily different in appearance, character, and temperament. The contrast has been drawn very felicitiously by Lady Louisa Stuart. John was a hero, Archibald a man of the world; John had genius, Archibald sound judgement and a thorough knowledge of mankind; John, a soldier from his cradle, was warm-hearted, frank, magnanimous, but rash and impatient; Archibald, bred a lawyer, was cool, shrewd, penetrating, argumentative.[4] Hervey, acknowledging Islay's knowledge, dexterity, and quickness, in his ill-natured way rejoices in telling us that 'a pedantic, dirty, shrewd, unbred fellow of a college, with a mean aspect, bred to the sophistry of the civil law, and made a peer, would have made just such a man'. Hervey admits that Islay had great parliamentary skill, yet will have it that 'his ungraceful manner of speaking, his prolixity, his dis-

[1] *Memoirs of George II*, vol. i, p. 344. Cf. *Suffolk Correspondence*, vol. ii, p. 119.

[2] *Epilogue to the Satires*, Dialogue II, l. 86.

[3] See Coxe, *Memoirs of Robert Walpole*, vol. iv, p. 107.

[4] See *Some Account of John, Duke of Argyll and his Family* by Lady Louisa Stuart, written in 1827, inserted as an introduction to the *Letters and Journals of Lady Mary Coke* (4 vols., Edinburgh, 1889–96), vol. i, pp. xxiii–xxiv.

agreeable voice and bad elocution, made all he said lose its force '.[1]

Another Ministerial supporter contrived to remain staunchly faithful to Walpole, although a close personal friend of Chesterfield. This was Richard Lumley, second Earl of Scarbrough. He was universally respected, and it is no small tribute to his memory that Hervey pronounces a eulogy of him, without inserting a single disparaging remark to neutralize its effect. He united, writes Hervey, revelling in his favourite antithesis, the gallantry of the camp with the politeness of the Court. He was 'equally fit to be trusted with the most important matters or advised with in the most delicate '.[2] Chesterfield described his friend as possessing 'in the highest degree the art, manners, and address, of a man of quality, politeness with ease, and dignity without pride '.[3] These two critics, both splenetic, yet seldom united in their judgements, agree not only as to Scarbrough's fine and attractive character, but as to his influence in Parliament. While the one declares him to have been one of the best speakers of his time in the House of Lords, the other says that he was neither eloquent nor 'florid', using the latter epithet evidently as a term of praise. At the same time, they both speak of the force of Scarbrough's speeches being due to his inherent honesty and sincerity, so that 'truth and virtue, which never want, and seldom wear, ornaments, seemed only to borrow his voice. This gave such an astonishing weight to all he said, that he more than once carried an unwilling majority after him.'[4]

[1] *Memoirs of George II*, vol. i, pp. 341–3. Cf. the character by Horace Walpole in his *Memoirs of George II*, vol. i, pp. 275–7. 'Lord Isla was slovenly in his person, mysterious, not to say with an air of guilt in his deportment.'

[2] Hervey, vol. i, pp. 94–5, 98. It is worth noting, as an illustration of Hervey's strong anti-military bias, that he remarks: 'His education had inclined him a little too much to the love of an army.'

[3] *Letters*, vol. iv, pp. 1420–2.

[4] *Ibid.* See also W. Ernst, *Memoirs of the Life of Philip Dormer, Earl of Chesterfield* (1893), p. 134. Pope wrote:

> When I confess, there is who feels for fame,
> And melts to goodness, need I Scarbrough name?
>
> *Epilogue to the Satires*, Dialogue II, l. 65.

There remains the figure of Lord Hervey, from whose sardonic pen so much of our knowledge of the reign of George II and of its principal actors is derived. Son of the kindly, amiable, and scholarly first Earl of Bristol, Hervey resembled his father in nothing but ability. His gifts are undeniable. If his literary style soon irritates by its elaborate artificiality, he has real dramatic power. However true or untrue the picture he presents, it is undeniably alive, and his descriptions of the domestic infelicities of George II and of the dauntless Queen Caroline are famous for their crude and vivid veracity. He was Walpole's most facile and pungent pamphleteer; he had a gift for lampoon and invective both in prose and verse. His caustic wit made him useful to Walpole and entertaining to the Queen, and his position in the royal household made him in any case politically important. In many ways he made a despicable figure. Puny of frame, with painted face, effeminate manner, from early days a valetudinarian and hypochondriac, he gave ample opportunity for the satire of those whose animosity his own venom and misanthropy provoked. There is no more savage diatribe in English literature than Pope's rancorous satire against 'that thing of silk, Sporus'. 'Who breaks a butterfly upon a wheel?' he exclaims, and then proceeds to do so, jeering at the 'eternal smiles', which 'his emptiness betray', at the 'florid impotence' of his speech. A 'toad', he

> Half-froth, half-venom, spits himself abroad
> In puns, or politics, or tales, or lies.

He is himself 'one vile antithesis',

> A cherub's face, a reptile all the rest,
> Beauty that shocks you, parts that none can trust,
> Wit that can creep, and pride that licks the dust.[1]

Hervey was raised to the peerage in his father's lifetime with several others when the Opposition in the House of Lords had proved itself to be formidable at the end of 1733.

[1] Pope's *Epistle to Dr. Arbuthnot*, ll. 305–31. There is a short sketch of the author's life prefixed to Croker's edition of Hervey's *Memoirs of George II*. See also *D. N. B.*, vol. xxvi, pp. 284–8.

Hervey's promotion meant not merely an extra vote, but also a valuable reinforcement to the debating power on the Government's side, and he frequently restored a situation which Newcastle's incoherence had hazarded. Newcastle had been receiving but little support from his colleague, William Stanhope, Lord Harrington, who had succeeded to the Secretaryship rendered vacant by the retirement of Townshend in 1730. Harrington, says Hervey, 'had reduced himself to a state of annihilation. He was absolutely nothing—nobody's friend, nobody's foe, of no use to anybody, and of prejudice to nobody.' [1]

With the accession of George II had begun the persistent accusations of corruption brought against Walpole, which lasted from that day to the date of his fall. Criticism of the administration of the secret service fund had led up to an ineffective Bribery Act of 1729, for securing the purity of elections,[2] this being followed by the introduction into the House of Commons on February 16, 1729/30, by Sandys, of a Pensions Bill, which provided that members of Parliament should be required upon taking their seats to subscribe a solemn oath that they would not accept a pension. The House of Lords rallied to Walpole's support, and on March 19 refused to commit this bill. The protest against this decision gives us the point of view of the promoters of the bill.[3] The bill was not novel; it only required the due observance of the existing law, as in the Act of Settlement. It was deplorable that the Upper House should not be willing even to commit a bill carried through the House of Commons, especially as it immediately affected that Chamber only. The sting of the protest—which also revealed its underlying motive—lay in the assertion that though the allocation of pensions nominally belonged to the Crown, 'it may become virtually that of the minister, and be applied to deceive the prince as well as to oppress the people'.

[1] Hervey, *Memoirs of George II*, vol. i, p. 212. Harrington had been a Colonel of Dragoons, then our Ambassador at Madrid. Created baron in 1730, he was promoted to an earldom in 1742. He died in 1756. See *D. N. B.* (1st ed.), vol. liv, pp. 40–4.

[2] 2 George II, c. 24; *Statutes at Large*, vol. v, pp. 510–12.

[3] *L. J.*, vol. xxiii, p. 511; *Complete Protests*, vol. i, pp. 407–11.

When the measure was actually rejected, a further protest was inserted, which had much to say about 'the powerful and malignant influence of wicked, aspiring, and despotic ministers, who can invent no artifices so likely to subvert the liberties of the people, as by corrupting those who are chosen to defend them'.[1]

The Commons returned to the project next year.[2] Once again Walpole allowed the measure to pass unscathed through their House, relying upon the Peers to throw it out. Newcastle, Argyll, and Islay put forward a specious argument against the Bill, that those whom the Crown delighted to honour were precisely 'the most proper persons to be entrusted by the people in Parliament'; and Hoadly quite unblushingly maintained that an independent House of Commons was an undesirable thing. 'An independent House of Lords or an independent House of Commons was as inconsistent with our constitution as an independent, that is, absolute King.' A lover of the laws and liberties of the country would no more desire to see the one than the other.[3] Carteret, Bathurst, Winchelsea,[4] and Strafford were chief advocates for the measure. The main function of the Lower House was to give the Sovereign trustworthy information as to the wishes or complaints of his people. How could this be done, if the channel of information was itself corrupt?[5]

The bill was duly rejected. It reappeared once more in February 1731/2.[6] This reiteration was hailed by some as an insult to the Lords. 'I cannot', exclaimed one peer, 'but look upon the sending up of such a Bill as an indignity

[1] *L. J.*, vol. xxiii, pp. 516–17; *Complete Protests*, vol. i, pp. 411–13.

[2] *C. J.*, vol. xxi, p. 633; *L. J.*, vol. xxiii, p. 618.

[3] This was a most unfortunate speech; it occasioned no little stir. The Opposition construed it as being virtually a confession that there was a deliberate design to destroy the independence of the House of Commons, and to make both Chambers dependent upon the Minister. The Bishop was defended in the *Daily Post Boy*, May 7, 1731.

[4] Seventh Earl of Winchelsea and third of Nottingham, 1688–1769. He had only succeeded to the title on Jan. 1, 1729/30.

[5] *P. H.*, vol. viii, 848. The Protest against rejection on this occasion gave as the main reason: 'Because the Commons seemed to think this Bill is wanted'. *Complete Protests*, vol. i, pp. 416–18.

[6] *L. J.*, vol. xxiv, p. 23.

offered to this House.'[1] Newcastle argued that by this measure 'the House of Commons may assume a power of judging what rewards or gratuities are proper to be given by the Crown to any member of that House'.[2] Once more the bill was thrown out—this time by 95 voices to 40.[3] The bill was brought in again by the indefatigable Mr. Sandys in 1733, and rejected again on the second reading in the Lords on February 23 of that year by 82 to 29.[4]

The real or pretended fear of corruption made itself apparent in connexion with the project of Walpole to reduce the landowners' burden by reducing the land-tax to one shilling. To make good the deficit he proposed to revive for a period of three years the duties on home-made salt, which had been imposed in the days of William and Mary, but repealed in 1730. The bill secured a majority of 209 to 154 in the House of Commons.[5] On March 22, on the motion to commit there arose a lively debate in the other Chamber.[6] The salt-tax was displayed by the Opposition in all its iniquity. The duty had been taken off because opinion was unanimous that it was oppressive. The effect of this measure—'the most iniquitous . . . that was ever brought into either House of Parliament'—would be to grind down the faces of the poor. The landed interest would gain nothing. Those of moderate means would have to pay more in the duty on salt than they would save by the reduction of the land-tax.[7] But these were not the worst features of the bill. The collection of the salt-duty would mean an increase in the number of excise men, who would, of course, be merely the Minister's underlings. 'We know', cried Winchelsea, the most zealous opponent of this particular measure, 'what an influence these officers may have upon the elections of members of Parliament in every county, city, or borough in England.' Corruption was a worse danger even than a standing army. England would be

[1] *P. H.*, vol. viii, 988. [2] *Ibid.*, 992.
[3] Protest in *Complete Protests*, vol. i, pp. 418–19.
[4] *L. J.*, vol. xxiv, p. 194, Feb. 23, 1732/3.
[5] *C. J.*, vol. xxi, p. 793. [6] *L. J.*, vol. xxiv, p. 61.
[7] Speeches of Winchelsea and Bathurst, *P. H.*, vol. viii, 1039–47, 1049–51.

reduced to the condition of Turkey; the prevailing party would administer by means of massacres and proscription, and the people's only redress would be by means of riots and tumults.[1] In committee a clause was offered for 'restraining any officer of the salt-duty from being concerned in elections'. This was negatived by 71 to 21. A protest entered against the rejection spoke of the officers of customs and excise as being already so numerous as to form a second standing army, and expressed the fear that the House of Commons might be reduced to becoming the representatives of an Administration, nay of a single minister, no longer of the people.[2] In the debate on the third reading, Carteret likened the bill to a snake in the grass, 'which, if they did not crush, would, if he might be allowed to use scripture terms, bruise the heel of the constitution, and consequently of their lordships'.[3]

The device of the salt-duty, used for the lowering of the land-tax, was merely a preliminary to Walpole's more ambitious project for doing away with the land-tax altogether and substituting an excise (unhappily misnamed), first on tobacco and wine only, with a future extension of the system to other commodities. The gigantic, unscrupulous appeal to popular prejudice by which the Opposition wrecked the scheme is notorious.[4] These methods were so effective that the Excise Bill was withdrawn by its author while it was still in the House of Commons. The House of Peers was never, therefore, directly concerned. On the other hand, individual peers had a great deal to do with the intrigue which ended in the abandonment of the scheme, Chesterfield being a prime mover. There was much caballing among Ministerial as well as Opposition lords, and the latter were eventually assured that they could count upon the support of four very influential Scottish peers, Argyll, Montrose, Stair,[5] and Marchmont,[6] and also on the Duke of Bolton and Lords

[1] *Ibid.*, 1045–6. [2] *Complete Protests*, vol. i, pp. 424–6.

[3] *P. H.*, vol. viii, 1061. The bill passed on March 31, and received the royal assent on April 3.

[4] See E. R. Turner, 'The Excise Scheme of 1733' in *E. H. R.* Jan. 1927, pp. 34–57.

[5] The second earl, 1673–1747.

[6] Alexander Campbell, the second earl, 1675–1740.

Clinton and Cobham.[1] Stair took a very active part, and had an interview with the Queen, in which he endeavoured, though without success, to poison her mind against Walpole. He worked himself into a violent passion on this occasion, at last exclaiming : ' Madame, vous etes trompée, et le Roi est trahi.' The episode was to have been kept secret, but Stair could not resist the temptation of boasting of the bold truths he had told the Queen, and Carteret betrayed his knowledge of it when a few days later in a debate in the House of Lords he told a story of the greatest general of his day having informed Anne of Austria during the ascendancy of Mazarin that she maintained a man at the helm who should have been rowing in the galleys. The unimpeachable Scarbrough was won over, and he had an important meeting with Walpole. Scarbrough was a major-general, and he appears to have persuaded himself that the tobacco impost was intensely unpopular with the troops. This latter interview may have been decisive with Walpole. Anyhow, it was the same evening that, in consultation with the King, the Minister decided upon jettisoning the excise scheme.[2]

Walpole bowed to the storm, but he was determined to have his revenge. The tergiversation of those peers who held appointments under the Crown he could not forgive ; Chesterfield and Clinton were dismissed from their offices. The conception that the holder of a position in the royal household, for example, must necessarily adhere to the whole policy of the chief Minister, and must not dissent from it in detail, was not held before Walpole's day. He was striving for the enforcement of the principle of Ministerial solidarity. In this he had the full sympathy of the Queen, who held discipline in the Administration to be as essential as discipline in the army.[3]

But Walpole's retaliation was not sufficiently drastic to act as a deterrent upon the malcontents. Encouraged by the Opposition's splendid success in the thwarting of the

[1] Charles Paulet, third Duke of Bolton, 1685 (?)–1754 ; Hugh Fortescue, first and only Earl Clinton, 1696–1751 ; Richard Temple, first Viscount and Baron Cobham, 1669 (?)–1749.

[2] See Hervey, vol. i, pp. 165, 174–5, 189.

[3] *Ibid.*, p. 189.

excise scheme, the dissentient peers hoped now for an overt triumph in their own Chamber. They felt that their strength was such that, given another good pretext, they could follow up the one blow by another no less telling. They found an occasion in a matter which seemed rather ancient history, but which proved apt to their purpose. They decided to rake up the embers of the South Sea controversy. Knowing Walpole's intense dislike for public inquiries, they asked for an investigation into the produce of the forfeited estates of the company.[1] The idea appealed, says Hervey, to young lords, 'who had heard their whole body so long treated as cyphers'.[2] Walpole held the ringleaders in this enterprise in the utmost contempt. Argyll was actuated by an insatiable avarice, which 'made him think he never could have his due in honorary employments or enough in lucrative ones'. Bolton was absolutely a fool; St. Albans 'one of the weakest men either of the legitimate or spurious blood of Stuarts; Manchester, like unto him in degree of understanding as of quality; Pomfret, who pretended to be guided by conscience in a matter which he had never understood; Falmouth, a blundering blockhead, who in the two most important divisions on the question, spoke on one side and voted on the other, so that it was facetiously remarked that he seemed determined to do the Ministry all the hurt he could, as he spoke for them and voted against them; Kent, 'who had been a Yes-and No hireling of a Court for forty years, and took it into his head at three-score to turn patriot'.[3]

Hitherto Walpole had had no cause for disquietude so far as the House of Lords was concerned, but now the situation there became less easy. The Opposition used surprise tactics, and Bathurst's motion was brought forward when the House was in committee on a bill relating to the

[1] *Ibid.*, pp. 226–7. See *L. J.*, vol. xxiv, p. 255. Lord Bathurst moved on May 3, 1733: 'That the Directors of the South Sea Company may be ordered to lay before this House, an account how the produce of the Forfeited Estates of that Company in the Year 1720 has been disposed of, and all the orders made in the general courts of the Company relating to the disposal thereof.' Chesterfield seconded the motion.

[2] Hervey, vol. i, p. 229.

[3] *Ibid.*, p. 230.

Sugar Colonies. Newcastle endeavoured to scotch the enterprise by having the motion ruled out of order. The attacking party was, however, too strong and too keen to be defeated in this way. It represented that the question was one of urgent national importance. Enormous frauds, it was argued, had recently been discovered in the management of trading companies, and only frequent inquiries could keep such abuses in check. Islay, on the ground that the motion was totally unexpected, moved that the matter be adjourned. This being negatived by 35 to 31, Bathurst's motion was then agreed to without a division, and the directors of the South Sea Company were ordered to lay their accounts before the House.[1]

On May 24 an important debate took place on the subject of these accounts, which members had in the meantime had leisure to examine. Bathurst held that the accounts proved that the produce of the defaulting directors' estates had not been applied to the purposes laid down in Act of Parliament, but distributed among the proprietors as dividend, and he therefore moved that this be voted a violation of the law. Newcastle again tried to secure the postponement of an unwelcome discussion, alleging that the papers before the House were obscure, and that there was need of further information. Carteret ironically rejoiced in the good effect the demand for these papers, obscure as they were, had already produced, since ' some lords, who at first seemed to want no information in this affair ', were now apparently anxious for even more information.[2] Eventually, after a lengthy and, we are told, a dull discussion, mainly concerned with the interpretation of figures and of Acts of Parliament, in which the Court party were outmatched, the latter moved the previous question, a tactical device whose wisdom was doubted.[3] The voting was exactly equal, 75 on each side, the number including 18 proxies on the affirmative side, 27 on the other.[4] The motion was accordingly lost. Without the support of the episcopal bench—twenty-

[1] *P. H.*, vol. ix, 94, 96, 97, 105.
[2] *Ibid.*, 108.
[3] H. M. C., *Carlisle MSS.*, p. 118.
[4] *L. J.*, vol. xxiv, p. 279 ; *P. H.*, vol. ix, 115.

five of whom voted for the Government, and only one against—Ministers would have been hopelessly beaten. It was noted that this was 'the first question that had been lost by the Court in the House of Lords during the last two reigns, and in a very full house, and upon a known debate and great pains taken'.[1]

Delighted with this new success, the Opposition sought to press their advantage still further, but they would have been wiser to rest content, for they gained nothing more. Energetic means were taken to restore the situation in the House of Lords. As Hervey says, 'Many lords were *closeted, schooled* and *tampered with* by the ministers, some by the King, and more by the Queen.' The latter had been much disturbed by the defeat of May 24, and she sent for her favourite bishop, Hoadly, upon whom she placed great reliance for the support of Court measures in the House of Lords, and upbraided him for his recent slackness of attendance in the House.[2] Walpole, although he affected to make light of it, felt the reverse keenly.[3] The results of the *closeting, schooling*, and *tampering* were made apparent on June 1, when the question of the South Sea Company was resumed upon examination of the directors, and there was again a protracted debate, the Earl of Winchelsea beginning the offensive, and Scarbrough speaking particularly well.[4] In the end the Court party moved the previous question, and this was carried by a majority of five. The Dukes of St. Albans and Manchester, Lords Falmouth, Harborough, and Cornwallis voted for the Court, though they had all voted against it on the previous occasion. The Duke of Argyll, who had also voted against the Court on May 24, got up and left the House half an hour before the division was taken.[5]

[1] *Carlisle MSS.*, p. 116. See also the division list, *P. H.*, vol. ix, 115–16, and N. Sykes, *Edmund Gibson, Bishop of London* (Oxford, 1926), pp. 146–7.

[2] Hervey, vol. i, p. 233.

[3] *Ibid.*, p. 242. It was with reference to the revolted peers that Walpole made the celebrated remark that '*he knew the reasons* and the price of every one of them; but that the one was not worth considering, nor the other worth paying'.

[4] *L. J.*, vol. xxiv, p. 292; *Carlisle MSS.*, p. 119.

[5] *Carlisle MSS.*, p. 120.

On June 2 Lord Bathurst brought in a new motion for the appointment of a committee of seven lords (the number was subsequently raised to twelve) to inquire into the affairs of the South Sea Company since 1720. Carteret and Chesterfield supported the motion, the latter speaking ' with a great deal of humour and wit '. Bathurst's motion was defeated by 75 to 70. Twenty-one of the dissentient lords entered a protest, ' the most remarkable ', declared Sir Thomas Robinson, writing to the Earl of Carlisle, ' that ever was entered upon the Journals '.[1] The detailed reasons in the protest relating to the alleged misdoings of the directors of the Company are not of permanent interest, but the penultimate reason had, as Sir Thomas Robinson remarked, ' many sharp stings in it '.[2] This clause asserted that ' the arts made use of to divert us from our duty, and to defeat this inquiry, give us reasons to prosecute it with fresh vigour ; for impunity of guilt (if any such there be) is the strongest encouragement to the repetition of the same practices in future times, by chalking out a safe method of committing the most flagitious frauds under the protection of some corrupt and all-screening minister '.[3]

It was subsequently suggested that this protest ought to be expunged, but, as Hervey says, the course which Walpole favoured was rather to ' expunge the protesters '. In accordance with this plan he proceeded to follow up his action against Chesterfield and Clinton by depriving Lord Cobham of the command of his regiment, Stair of a colonelcy, Montrose of the great seal of Scotland, Marchmont of his position as lord clerk register, Bolton of his governorship of the Isle of Wight. As the former warning had passed unheeded, it was now to be made perfectly clear that no holder of office under the Crown could attack its chief Minister with impunity.

The next session, which opened in January 1733/4, saw certain noteworthy accessions to the Ministerial strength in the Upper House. These promotions were a direct result of

[1] *Carlisle MSS.*, pp. 120–1.
[2] *Ibid.*, p. 121.
[3] *Complete Protests*, vol. i, pp. 435–9 ; *L. J.*, vol. xxiv, pp. 294–5.

the troubles in that House during the previous session. Lord Paulet's eldest son, Lord Hinton, was created a peer and given a household appointment. This also was the time of Lord Hervey's promotion. There were in addition two important legal changes. The Attorney-General, Sir Philip Yorke, became Lord Chief Justice, with the title of Baron Hardwicke ; and the Solicitor-General, Talbot, who had an aversion to practising in the Courts of Common Law, became Lord Chancellor. Talbot was an admirable lawyer, universally respected, but he made no mark as a politician, and his interests appear to have been almost entirely judicial.[1] It was far otherwise with Hardwicke, who was not only one of the greatest of lawyers, but a notable statesman. He was to prove one of the most influential figures in the House of Lords during the eighteenth century, but it will be appropriate to consider his personality and his importance in connexion with the era of the Pelhams, when his control over the House of Lords was greatest.

The most noteworthy event of this, the last session of the existing Parliament, was the raising in each Chamber of the question of the arbitrary dismissal of officers from their regiments—this with reference to the punishments of Stair and Cobham. In the Lower House the chief speakers for a motion for leave to bring in a bill to make such dismissals impossible in future were Pulteney, Windham, and Sandys, against it Walpole and Pelham. It was lost without a division there. In the Lords a similar motion was introduced on February 13 by the young Duke of Marlborough, grandson of the great John Churchill.[2] He was supported by another young Duke, the fourth Duke of Bedford. Though very different in disposition—for Bedford was as sober and serious-minded as the other was idle and dissipated—both were at this time very much under Carteret's influence and,

[1] See Campbell, *Lives of the Lord Chancellors*, vol. iv, p. 671. Hervey, vol. i, p. 285, contrasting the two Judges, says : ' Lord Talbot had as clear, distinguishing, subtle, and fine parts as ever man had. Lord Hardwicke's were perhaps less delicate, but no man's were more forcible. No one could make more of a good cause than Lord Hardwicke, and no one so much of a bad one as Lord Talbot.'

[2] *L. J.*, vol. xxiv, p. 345 ; *P. H.*, vol. ix, 327–66.

in Hervey's view, alike in pride and violence of temper.[1] The bringing forward of this motion gave such umbrage to George II that he never failed to refer to Marlborough by such terms as scoundrel, rascal, or blackguard.[2] The proposed bill was one to prevent officers from being deprived of their commissions 'otherwise than by judgement of a Court-martial . . . or by address of either House of Parliament'. The principal speaker for the motion was Chesterfield,[3] who was concerned to show that the bill suggested would not, as the Ministers alleged, interfere with the prerogative (for it would take nothing from the Crown 'but that power which the Crown ought never to make use of'), and that there were no military offences which could not be dealt with by court-martial. Some officers had little to live upon apart from their commissions. It should not be left 'in the power of a desperate minister, to tell them, upon occasion of an important question in Parliament, if you do not vote, sir, as I direct you, you shall starve'. Our constitution did not so much depend upon the simple fact of having a Parliament, as upon its members being able to vote and speak without fear or favour. Newcastle argued that the bill was an encroachment on the prerogative, and that 'there are many crimes for which an officer ought to be removed, yet could not well come under the cognizance of a court-martial'. The second reading was negatived by 100 (including 22 proxies) to 62 (including 13 proxies).[4] The Opposition had endeavoured to secure the adhesion of Scarbrough, but without success.[5] Instead, he came out strongly on the Ministerial side, going so far as to declare that the measure was so extraordinary that a mere negative was not sufficiently drastic. He moved the bill's rejection. It would, he asserted, have the effect of rendering army officers independent of King and Parliament. Had they nothing to fear but their comrades' sentences in courts-

[1] Hervey, vol. i, p. 290. 'The Duke of Marlborough was sensible, he wanted knowledge, whilst the Duke of Bedford had knowledge, and was not sensible he wanted parts.'

[2] *Ibid.*, p. 289.

[3] *P. H.*, vol. ix, 335–45.

[4] *L. J.*, vol. xxiv, pp. 345–6; *Complete Protests*, vol. i, pp. 439–43.

[5] Hervey, vol. i, p. 291.

martial, there would be a temptation to all sorts of irregularity. Indeed, our regular army would soon become intolerably irregular.[1] On his motion the bill was formally rejected without a division.

The loss of this bill did not mean the complete closure of the episode, for Carteret immediately afterwards rose to move an address to the King to ask him to acquaint the House 'who advised his Majesty to remove the Duke of Bolton and the Lord Viscount Cobham from their respective regiments, and what crimes were laid to their charge'. As Islay said, this motion was simply a roundabout method to achieve the same result as the bill which had just been rejected. The motion was lost by a vote of 77 to 48.[2] A protest entered by 36 of the minority expressed the ironical misgiving that as the result of the recent dismissals 'the world may entertain (however unjustly) an opinion, that the free use of their votes has been the real cause of their disgrace'. Bolton and Cobham added a clause on their own account, averring that they were unconscious of any breach or neglect of duty, and would have been glad had the motion been accepted, because it would have informed them of their supposed crimes and accusers.[3]

These discussions brought the session of Parliament to a close. The general election of 1734, despite the rare electioneering skill of Newcastle, increased the numbers of the Opposition in the Lower House, but owing to the energies of Islay, Walpole's henchman in Scotland, in securing the return of the sixteen peers on 'the King's list', the Government's forces were strengthened in the House of Lords. Ministries had been wont to count upon the entire support of the sixteen Scottish peers, but in the famous division on the question of the South Sea Company directors the fourteen representative peers present had been equally divided. The methods used by Islay were not novel, but their thoroughness and the completeness of their success raised an agitation among the Scottish nobility on the subject.

[1] *P. H.*, vol. ix, 348–51; *L. J.*, vol. xxiv, p. 346.
[2] *L. J.*, vol. xxiv, p. 246; *P. H.*, vol. ix, 366.
[3] *Complete Protests*, vol. i, pp. 444–6.

Here was another opportunity for a big attack upon the omnipotent Minister. But it hardly came up to expectations, and the case proved as embarrassing to the Opposition as to the Court. The English lords were lukewarm, not feeling that the evidence was strong enough for their purpose. The young Duke of Bedford was the most pertinacious supporter of the Scottish complaint, and Chesterfield was also prominent. But Carteret was not zealous, because, as Hervey says, he aimed at one day being in power himself, 'and did not care for weaving fetters for his own hands', when his ambition should be achieved; and, in the second place, 'he was not very fond of being enrolled as a lieutenant under my Lord Chesterfield, who had long been looked upon as Commander-in-Chief of this Scottish brigade'.[1]

The question of the method of electing the representative peers had already been raised, just prior to the dissolution, in two debates on March 6 and 18, when several resolutions were moved by the Opposition, the most important being one by Tweeddale,[2] that henceforward the elections should be by ballot, the other by Bedford, declaring that for any one to bring pressure by means of threat or bribe upon a Scottish peer at election time in favour of a particular individual or of a list of peers was an insult to the Crown, an encroachment upon the freedom of elections, and highly injurious to the honour of the peerage. Opposition peers spoke with feeling of the hard necessity to which 'under the power of an arbitrary Minister' Scottish peers might be brought of either losing their employment under the Crown or 'voting against their nearest relatives and their own opinion too', and of the danger that improper influence in the return of the Scottish peers might 'subvert the independence of this House, and of consequence the constitution of the whole kingdom'.[3] In supporting Bedford, Stair 'spoke with great warmth and uttered many bold and sharp truths'. Walpole's phalanx—Hardwicke, Newcastle, Hervey, Argyll —succeeded in defeating both resolutions without difficulty,

[1] Hervey, vol. ii, pp. 127–8. [2] John Hay, fourth marquis.

[3] *Complete Protests*, vol. i, pp. 446–8; *L. J.*, vol. xxiv, pp. 366–7; *P. H.*, vol. ix, 485–7.

the first on the convenient ground that it contravened the articles of Union, the second as a gross insult both to the Scottish peers and to the Government, since it was supported by no evidence that malpractices had ever actually taken place.[1]

The Government had complained that no evidence of improper influence had been produced. The Opposition believed that the circumstances of the next election of representative peers, which took place on June 4, provided them with it. During the whole time that voting was taking place in Edinburgh, namely, from 9 a.m. to 9 p.m., a battalion of foot was drawn up in the courtyard of Holyrood Palace. This, in itself, could be used as evidence of intimidation, and great efforts were made to obtain proof of the Government's having tampered with voters. 'I should think', wrote Chesterfield to Lord Marchmont, 'it would be very possible to get some of the lowest of your venal Peers to come to our bar and to confess the money they took to vote for the Court list, which, if it could be obtained, would be such strong evidence as would be hard to be resisted.' He adds with the inconsistent cynicism of many who in the eighteenth century denounced corruption in tones of virtuous indignation: 'If that were possible, it would be worth while to make them lusty promises, and even to give them some little money in present; for two witnesses who have actually taken money and voted for it are worth ten who have only been offered and refused it.'[2] But the evidence proved disappointing. Nevertheless, it was decided to proceed, and to address a petition to the House of Lords on the subject.[3] It was at first suggested that, concurrently, an impeachment of Islay should be started in the other Chamber.[4]

[1] *L. J.*, vol. xxiv, p. 378; *Mar and Kellie MSS.*, p. 533; *P. H.* merely summarizes the arguments on either side; there is no differentiation of speeches.

[2] *Marchmont Papers*, vol. ii, p. 23.

[3] *Mar and Kellie MSS.*, p. 537.

[4] *Ibid.*, p. 538; *Marchmont Papers*, vol. ii, p. 23. See also *Carlisle MSS.*, pp. 143–8 *passim*. Sir T. Robinson writes to the Earl of Carlisle in Dec. 1734, ''Tis reported that these Lords will not only prosecute this affair in Parliament but make many discoveries of such enormous practices as will astonish mankind.' Walpole writes on Jan. 4, desiring the Earl's attendance in Parliament in view of the anticipated presentation of the

The petition, which was drawn up in the names of Hamilton, Queensberry, Montrose, Dundonald, Marchmont, and Stair, was presented to the House of Lords by the Duke of Bedford on February 13, 1735.[1] It represented that ' several undue methods and illegal practices ' had been used at the late election, offered to lay proof of this ' in such manner as your lordships shall direct ', and prayed that they would examine these proofs and deal with the matter ' as in your great wisdom shall seem most proper, to maintain the dignity of the Peerage, the freedom of the election of Peers for . . . Scotland, and to preserve the constitution and independency of Parliaments '. Bedford commended the petition to the House on the score of the rank and consequence of the petitioners and the great importance of its subject-matter as touching the honour and dignity, indeed the very being of the House. Newcastle was very doubtful whether the House ought to receive the petition, whether indeed it had power to receive it, seeing that it confined itself to generalities and contained no direct complaint against the return of one or all of the sixteen peers. It was decided to take the petition into consideration on February 20.[2]

On the appointed day two of the sitting representative peers, the Dukes of Atholl and Buccleuch, rose to say that the petition was so vague that they could not make out whether the petitioners desired to controvert the last election or not, and that as their own seats in the House depended upon the validity of that election, they hoped the House would have this fundamental uncertainty cleared up before proceeding any farther with the petition.

Next day a written declaration, signed by the six petitioners, was lodged with the Lord Chancellor, stating that there was no intention of controverting the election of any of the existing sixteen peers. On this day it was moved that the matter be adjourned another week and the petitioners be ordered to lay before the House in writing by the pre-

petition: ' There is nothing so extravagant, as what they every day talk, and their threats about the Scotch Peerage exceed all bounds and reason.'

[1] *L. J.*, vol. xxiv, p. 459. [2] *P. H.*, vol. ix, 721–7.

scribed date instances of the corrupt practices alleged and the names of those suspected to be guilty. The motion was recommended on the ground that purely general accusations were most unfair to all those who were in any way concerned; that before the House could go any farther in the matter, it must be satisfied that the vague insinuations in the petition had some sort of foundation; if the petitioners had got evidence, they could without any difficulty comply with the motion. On one excuse or another the Opposition objected to the motion. It was, however, carried, an amendment that the order to name particular persons should be omitted being defeated by 90 to 48.[1]

On the 28th the Lord Chancellor acquainted the House with the answer which the petitioners had made to the order of February 21. The petitioners still refrained from mentioning particular names, and they declined to give specific instances of corruption, on the ground that this would narrow the inquiry which they hoped the House would undertake—an inquiry which was bound to elicit particular names and particular instances. In reply, therefore, to the order of the 21st, they contented themselves with reiterating that long before the last election a list of peers had been framed by persons high in office, known as the King's list; that peers were solicited to vote for this list without alteration; that they were promised pensions or employments, if they did so, that sums of money also were actually given; that about the time of the election a number of pensions, offices, and releases from payment of debts to the Crown were granted to those who voted for the King's list or to their relations and friends; that on the day of the election a battalion was kept near the voting place all day under arms contrary to custom at elections.[2]

There followed a debate on the motion: 'That the petitioners have not complied with the order of the House of the 21st instant.' This was carried by 90 to 47.[3] Immediately after this it was moved: 'To order that the said

[1] *P. H.*, vol. vi, 737–57; *Carlisle MSS.*, pp. 153–8; H. M. C., *Diary of Earl Egmont*, vol. ii (1734–8), p. 152. [2] *L. J.*, vol. xxiv, p. 475.
[3] *Ibid.*; *Complete Protests*, vol. i, pp. 461–4.

petition be dismissed.' By taking advantage of the petitioners' lack of definite evidence the Ministers were able to burke the inquiry altogether—so long as they were secure of their majority in the House of Lords. They carried the present motion by 99 to 52. So this concerted attack upon Walpole failed, as its predecessors had failed.[1] All was not well with the Opposition at this time. For one thing, Bolingbroke and Pulteney had quarrelled, and early in 1735 the former, in dudgeon, once more retired to France, having previously brought out his *Dissertation on Parties*.

The years 1735 and 1736 are fairly quiet in domestic history, and decidedly less contentious than those immediately preceding and those immediately following them. Perhaps their main interest in the history of the House of Lords is the evidence they afford of the growing influence of Hardwicke.

The two lawyers, Talbot and Hardwicke, were united in opposing a bill of May 1736 for the relief of the Quakers from one of their disabilities. The Dissenters, not satisfied with the practical immunity afforded them by the Indemnity Acts, which from 1727 onwards were passed annually and which exempted office-holders who had failed to take the sacrament within the specified time from the penalties of the Test and Corporation Statutes, had been appealing to Walpole for a further instalment of concessions, but the Minister could give no encouragement to the plea that the Test and Corporation Acts should now be repealed. On the other hand, a certain irritating grievance from which the Quakers suffered could, it might well seem, be remedied without causing a storm of protest. It was one which could be sympathetically viewed even by persons making no pretensions to charity. Moreover, the Society of Friends was particularly influential in Walpole's own county of Norfolk. The Quakers felt that they could not conscientiously pay tithe to the Anglican clergy of their own free will, but when the tithe was sued for by process of law, they paid under duress. They made no complaint against the exaction of the tithe by process of law. What

[1] Hervey, vol. ii, pp. 127–8.

LORD CHANCELLOR HARDWICKE

From the portrait by Hudson in the National Portrait Gallery

they asked for was eminently reasonable—simply that the inevitable legal process should be as inexpensive as possible. They objected to being sued for payment in the ecclesiastical courts, where the costs were often so high that they had to pay ten times the amount of the tithe demanded, to the very serious financial embarrassment of poor people. The object of the present measure was to substitute for action in the ecclesiastical court summary proceedings before two magistrates, where only small sums were concerned, as had been allowed by an Act of William III. Slight as was the benefit intended, and although it would inflict no hardship whatever upon the Anglican clergy, who would secure the payment of their tithes in either case, the bill met with the most violent opposition on the part of the whole bench of bishops, led by Gibson, Bishop of London, and Sherlock, Bishop of Salisbury.[1] As against the conscientious objections of the Quakers they set the legal rights of the tithe-owners. If it was a point of conscience with the Quakers not to pay tithe voluntarily, it might be a point of honour with Anglican clergy only to recover tithe in the ecclesiastical courts. They received powerful support from Talbot and Hardwicke. They declared that, however admirable its object might be, the bill itself was a bad bill. They disapproved of the attempt to prescribe one method and one method only of recovering any form of property ; the drafting of the measure they declared to be so defective that it was useless to try to amend it. Episcopal intolerance, aided by legal pedantry, won the day. It was resolved by 53 voices to 35 not even to commit the bill.

The chief supporters of the bill were Hervey, Argyll, and Islay, aided on this occasion by Carteret. They told the bishops some home truths, Argyll especially inveighing powerfully against a rich property-owning clergy, whose wealth he asserted was inconsistent with Christianity. The King and Queen and their chief Minister were infuriated by the attitude of the bishops. Caroline sent specially for

[1] Sherlock was a notable figure in the House of Lords. He had at one time been suspected of Jacobitism, but he was a loyal and very useful supporter of Walpole in the House of Peers.

Sherlock and censured him for the part he had played. Walpole was particularly disgusted with Gibson, who had for long been a great power behind the scenes, both with the Court and its Ministers, and who had been Walpole's chief adviser in ecclesiastical matters. He now withdrew his confidence from the Bishop, and the control of patronage passed more and more directly into the hands of Newcastle.[1]

Parliamentary proceedings, which had been for nearly three years of a singularly unexciting character, became once more embittered in February 1736/7. The King's Speech at the opening of the parliamentary session on the first of the month made special reference to recent serious rioting, some in the West of England, against the erection of turnpikes on the roads, some in Spitalfields against cheap Irish labour, some in Edinburgh.

A general discussion of the subject [2] on February 10 concentrated upon the most serious of all the disturbances, that in Edinburgh—the famous Porteous affair, familiar to all readers of *The Heart of Midlothian*.[3] Carteret seized upon

[1] On the Quaker's tithe question see: *L. J.*, vol. xiv, p. 671; *P. H.*, vol. ix, 1180–1219; *Carlisle MSS.*, p. 169; *Egmont's Diary*, vol. ii, p. 272; Hervey, vol. ii, pp. 262–71; *Hardwicke Papers*, Brit. Mus. Add. MSS. 35875, ff. 204–32; Brit. Mus. Political Tracts 855, *Papers relating to the Quakers' Tythe Bill, The Country Parson's Plea against the Quakers' Tythe Bill* (of which Bishop Sherlock was the author); Coxe, *Memoirs of R. Walpole*, vol. iii, p. 246; P. C. Yorke, *Life and Correspondence of the Earl of Hardwicke* (3 vols., Cambridge, 1913), vol. i, pp. 149–50; Sykes, *Edmund Gibson*, pp. 160–77, and Appendix, pp. 411–13, memoranda by Gibson on the bill, and his last letter to Walpole after the loss of the bill. Dr. Sykes shows that anti-clericalism in the House of Commons had a good deal to do with its zeal for the Quakers.

While acting with the bishops in regard to this measure, Hardwicke opposed them when they attacked the Mortmain or Charitable Uses Bill of 1736. This measure aimed at checking the alienation of land from the natural heirs to eleemosynary uses. It was resisted especially by the representatives of the High Church party, Strafford and Abingdon, and Gower, who supported the case of the Universities against the bill. Argyll used the occasion to make some shrewd thrusts at the bishops, but 'Hardwicke struck deeper'. See Hervey, vol. ii, p. 267; *P. H.*, vol. ix, 1118–56; *L. J.*, vol. xxiv, p. 652, April 20, p. 663, May 5; G. Harris, *Life of Lord Chancellor Hardwicke* (3 vols., 1847), vol. i, p. 308.

[2] See *L. J.*, vol. xxv, pp. 6, 17; *P. H.*, vol. ix, 1277–1311; Yorke's *Hardwicke*, vol. i, pp. 132–43 *passim*.

[3] See *Mar and Kellie MSS.*, p. 549; *State Trials*, vol. xvii, pp. 923–93;

it with avidity, perceiving an admirable opportunity to embarrass Walpole and his Scottish advisers, Argyll and Islay. He now, therefore, pressed for a thorough investigation into the whole case of Captain Porteous, and demanded that the city of Edinburgh should be punished by the deprivation of its charter. Islay made no objection to an inquiry, but was up in arms against the proposed penalty. Carteret also complained of Porteous's trial. If he had been condemned according to law, then clearly the common law of Scotland was seriously defective ; if he had been unjustly condemned, then the legislature should call the judges to account. Carteret had an easy task in rousing feeling in the House of Lords. Indeed in the case of many peers it had been aroused already. There was much indignation in England at the murder of Porteous. Carteret found, too, a useful ally in Bishop Sherlock, who delighted in the opportunity to pay back Argyll in some measure for the abuse he had recently been levelling at the heads of the bishops. Again, while Walpole was, now as ever, strongly opposed to severe measures, Hardwicke, who owing to the untimely death of Talbot became Chancellor on February 21, had been scandalized by the whole affair, and his influence was at all times paramount with his friend the Duke of Newcastle. The only important advocate of leniency was Hervey. He alone consistently supported the two Campbells, who, realizing ' that the same things would not come with the same weight out of Scotch lips as out of English . . . put him in the front of every skirmish and every battle during the whole progress of this business '. So strong was the general indignation that, Hervey tells us, ' the House

Coxe's *Memoirs of R. Walpole*, vol. iii, pp. 269–84; *Autobiography of the Rev. Alexander Carlyle* (ed. J. H. Burton, Edinburgh and London, 1860), pp. 33–42.

The facts in the case are very simple. A smuggler, named Andrew Wilson, had been executed. The punishment was very unpopular with the Edinburgh mob and there was serious rioting. Captain Porteous gave the order to fire and eight persons were killed. Porteous was put upon his trial for murder, was found guilty and condemned to death. He was, however, reprieved. The royal clemency to Porteous was as unpopular with the mob as Wilson's execution had been. They broke into his cell, bore him away, and lynched him.

of Lords was enraged to that degree that if their anger had been judiciously made use of, the enemies of the Scotch might have led the House of Lords as they pleased '.[1]

There were now two distinct issues before the House. One concerned the Edinburgh magistrates and their alleged negligence in failing to keep order within their city; the other concerned the judges, by whose judgement Porteous had been condemned to death.

On April 26, 1737, there was a debate on the sentence pronounced by the Scottish High Court of Judiciary, and a motion was made for declaring it erroneous. The principal speakers for the motion were Carteret, Bathurst, Winchelsea, Lovel, the Bishop of Salisbury; against, Hervey, Argyll, Islay, Findlater,[2] Scarbrough.[3] Discussion turned upon the question whether the necessity of dispersing the mob had justified Porteous in firing upon them, or whether his order to shoot had been a culpable act, the argument of the opponents of the motion being that by English law Porteous would have been adjudged guilty of manslaughter, and that what was deemed manslaughter in English law was usually considered murder in Scots law. The motion was not pressed to a division.[4]

The proceedings against the city of Edinburgh, likewise, came to very little. Walpole had his way, and the bill introduced into the House of Lords on April 4 was mild in comparison with the threatenings which had originally been heard in the Chamber against the city. It merely disqualified the Lord Provost from holding any magisterial appointment in his own town or any other in Great Britain; abolished the guard maintained in Edinburgh and known as the Town Guard; and removed the gate known as the Nether-Bow-Post between the modern town of Edinburgh and the Cannongate, because the lack of free communication between these two parts of the town was said to have been an encouragement to wicked and disorderly persons to commit

[1] See *P. H.*, vol. ix, 1307–1310; Hervey, vol. iii, pp. 39–40, 98–103 *passim*.

[2] This is the fifth earl.

[3] *L. J.*, vol. xxv, p. 95; *P. H.*, vol. x, 201–13. The arguments are merely summarized; Hervey, pp. 118–19.

[4] *P. H.*, vol. x, 213–38; *L. J.*, vol. xxv, pp. 100–1.

riots. The Lord Provost and City of Edinburgh were heard by counsel against the bill on May 4–7 ; it was committed on the 9th, and received its third reading on the 13th.[1] All sixteen Scottish peers voted for the bill on the first reading, and all of them against it on the second, declaring themselves converted on the evidence, though nothing had been differently stated, nothing invalidated in the interval, if we are to believe Hervey. ' My old Lord Findlater, with a little insignificant knowledge in the civil law, and my young Lord Crawford, without any knowledge at all, made so many long, dull, absurd speeches, in broad Scotch against the bill, that they fretted everybody who was of their side, exasperated everybody that was against them, and made the two parties of a mind in nothing but wishing them dumb.' [2] The two principal antagonists were Hardwicke and Argyll, who tilted at each other with courteous rancour. Hervey, who disliked the Lord Chancellor, says he ' justified the bill in all its parts with such a parental partiality that nobody who heard him could be at a loss to guess who was the political father of the parliamentary child '.[3] Argyll based his objections to the measure on a temperamental dislike of all such punitive legislation, upon the view that it constituted an infringement of the Union, and that it was a fanatical and barbarous attack upon innocent people, for, according to him, the Porteous riots had been due, not to any negligence on the part of the magistrates of Edinburgh, but to the influence of a few fanatical preachers.[4]

The bill having been accepted by the Lords (54 contents to 22 non-contents), it was in the House of Commons opposed by all the Tories and all the Scottish members, at their head Duncan Forbes, the Lord-Advocate, who represented it as a substitute for an impeachment, and therefore an encroachment upon the rights of the Commons. Windham also professed to believe this. Walpole, who protested that he was as jealous of the rights and privileges of the Chamber as any other member, could not take this suggestion seriously.

[1] *P. H.*, vol. x, 238–47 ; *L. J.*, vol. xxv, pp. 104, 106, 107, 109, 118.
[2] Hervey, vol. iii, pp. 107–8.
[3] *Ibid.*, p. 107.
[4] *P. H.*, vol. x, 238–42, 246–7 ; Hervey, vol. iii, pp. 139–41.

The Commons accepted the bill with two amendments, one omitting the clauses relating to the Town Guard and Nether-Bow-Post, the other inserting a clause for imposing a fine of £2,000 upon the corporation of Edinburgh.[1] When the bill in this truncated form returned to the Upper House, Argyll renewed his attack upon it and inveighed against Newcastle ' in so barefaced and provoking a manner, that most people condemned the one for offering the affront, and everybody the other for not resenting it '. Newcastle was very much out of countenance, and his attempt at an answer was so incoherent according to Hervey ' that this strange harangue seemed a caricature even of his usual strange performances '. With the Peers' acceptance of the bill as amended by the other House the Porteous affair tamely ended. ' The generality of mankind . . . were not a little jocose on the two Houses of Parliament having been employed five months in declaring a man should never again be a magistrate who had never desired to be one, and in raising two thousand pounds on the city of Edinburgh to give the cook-maid widow of Captain Porteous, and make her, with most unconjugal joy, bless the hour in which her husband was hanged.' [2] Questions of much more serious moment were to occupy Parliament during the next few years.

[1] See Hervey, vol. iii, pp. 247–319.

[2] *Ibid.*, p. 138.

CHAPTER VIII

WALPOLE AND THE OPPOSITION IN THE LORDS

§ 2. *Mainly Foreign Affairs*, 1737–42.

IT was not domestic but foreign affairs that led to Walpole's downfall. A brief *résumé* of the course of events prior to the Spanish troubles which produced the crisis will here suffice and is all that is required by their intrinsic importance in the history of the House of Lords.[1] For the complicated and, except to the close student of international relations, not particularly absorbing story of British foreign policy from 1714 to 1737 receives but a pale and fitful reflection in the annals of Parliament. The policy of friendship with France, which the Whigs after 1714 inherited from their Tory predecessors, strengthened as it was by the adherence of the Dutch in the Triple Alliance of January of 1717, was so obviously sound from the point of view of safeguarding the new dynasty and of the country's recovery from the heavy drain of prolonged war, that it was ensured of general support. The danger of invasion in connexion with the Pretender's hopes was a cogent argument making for national unity, save among the Jacobites themselves. The two Houses vie with one another in protestations of loyal support and devotion, 'to the hazard of our lives and fortunes', in their addresses to the King whenever there is an immediate peril of invasion, the Commons being more long-winded, but the Lords no less fervid. So it is on the eve of the Jacobite attempt

[1] For detailed studies of the foreign policy of this period see E. Bourgeois, *La Diplomatie secrète au XVIII^e Siècle : Ses Débuts* (Paris, 3 vols., 1909–11); A. W. Ward, *Great Britain and Hanover* (Oxford, 1899); J. F. Chance, *George I and the Northern War* (1909) and *The Alliance of Hanover* (1923); P. Vaucher, *Robert Walpole et la Politique de Fleury* (Paris, 1924); Basil Williams, 'The Foreign Policy of England under Walpole' in *E. H. R.*, vol. xv, pp. 251–76, 479–98, 665–98; vol. xvi, pp. 67–83, 308–27, 439–51; W. Coxe, *Memoirs of Horatio, Lord Walpole* (3rd ed., 2 vols., 1820); E. Armstrong, *Elisabeth Farnese* (1892).

in 1715;[1] so again when there is danger of a Swedish expedition against our shores in support of the Pretender in 1717.[2] Yet when the situation is less obviously threatening, strong opposition is forthcoming to the maintenance of so large a standing army as the very meagre force (according to our modern standards) maintained on the British establishment. This stood at only 16,847 in 1718; yet it was moved that that figure should be reduced to 12,000. In debate on February 12, Oxford heroically announced that 'as long as he had breath, he would speak for the liberties of the Country', considered a force of the present size so unnecessary that something must be 'intended against our happy and ancient constitution', and declared a martial court 'inconsistent with the rights and privileges of Englishmen',[3] while Argyll, soldier though he was, made an attack upon the whole court-martial system, and showed from examples in English history 'that a standing army in the time of peace was ever fatal, either to the prince, or to the nation'.[4] Stanhope and Cowper were able to argue in convincing fashion that the times were far from peaceful, the Pretender having friends on the Continent and also within the country, which was in any case disturbed by riots and tumults.[5] Nevertheless, the Government was hard pressed in divisions in both Chambers, winning one in the Lower House by the narrow margin of 247 to 229,[6] while in the Lords a majority of 24 (76 to 52) dropped, when proxies were called for, as low as 14 (91 to 77).[7]

The disturbing factor in the European situation during these years was the restlessness of Spain and the Empire. Both countries were dissatisfied with the treaties which

[1] *L. J.*, vol. xx, p. 123; *P. H.*, vol. vii, 111–12, July 20, 1715.
[2] *L. J.*, vol. xx, p. 416; *P. H.*, vol. vii, 421, Feb. 20, 1716/17.
[3] *P. H.*, vol. vii, 538.
[4] *Ibid.*, 540. Just the same sort of language was used regarding the Mutiny Bill of February 1722/3, when Wharton talked ominously about 'the example of Cromwell's army which turned out of doors the Parliament which raised it'. This ought to be a constant warning against regular troops. This time Argyll was on the other side and triumphantly showed from at least one instance in English history, that of the Revolution, that a standing army was *no* menace to the nation. *Ibid.*, vol. viii, 388–92.
[5] *Ibid.*, vol. vii, 538, 541–2. [6] *Ibid.*, 537. [7] *Ibid.*, 542.

had brought the Spanish Succession War to an end. They were, therefore, a menace to the peace which was based upon the maintenance of those treaties. More particularly the Italian ambitions of Elizabeth Farnese, the 'termagant' Queen of Spain, and the maritime aims of her Minister, Alberoni, gave cause for alarm. In 1718 the Spanish schemes of aggrandizement were thwarted by the conversion of the Triple into a Quadruple Alliance through the adhesion of Austria, which was brought about by Stanhope's diplomacy during the summer of that year. The death-blow was administered when Byng destroyed the Spanish fleet off Cape Passaro. The high-handed action of attacking the ships of a Power with which one is at least nominally at peace, however well it might be justified on the score of expediency, was bound to invite censure, and the foreign policy of the Government was roundly denounced by the Opposition in both Houses, Walpole attacking the Quadruple Alliance as unsound in policy and the breach with Spain as rash and unwarrantable.[1] In the Lords the same line of argument was adopted by Nottingham, Cowper, Argyll, Oxford, and Harcourt. Stanhope made a resolute and vigorous defence of his own conduct, boasting of the orders which he had given to Byng to thwart the Spanish enterprise against Sicily. Carteret also spoke trenchantly.[2] The Government secured substantial majorities in both Chambers.[3]

A completely new situation was created in 1725 when the two discontented States, having neither of them gained anything by their enmity, decided to compose their differences and try to gain something at other people's expense. The strange alliance, concluded between these two Powers at Vienna in the spring of 1725, threatened British interests in two respects, in the promise made by Austria to assist Spain in her endeavours to recover Gibraltar and Minorca, and in the extension by Spain to the Austrian Ostend Company of special commercial privileges in Spanish ports,

[1] *Ibid.*, vol. vii, 581–3; Torrens, *History of Cabinets*, vol. i, p. 197.
[2] *Ibid.*, p. 198.
[3] In the Commons 178 to 107; in the Lords 83 to 50.

superior to those enjoyed by Great Britain or Holland. Nothing in the Treaty of Vienna necessarily portended war, but some highly inflammatory language used by the adventurer Ripperdá, then at the height of his influence at Madrid, was disquieting. Townshend, who was directing the foreign policy of Great Britain, therefore negotiated a counter-alliance, that of the Treaty of Hanover (signed on September 3) with France and Prussia, which was joined next year by the United Provinces, and in March 1727 by Sweden.

The Treaty of Hanover constituted as great a break with traditional British policy as did that of Vienna in the policies of Spain and the Empire, and the cry was raised that British were being subordinated to Hanoverian interests. It was a suggestion which was in the present instance very wide of the mark, as the King's electoral interests were in no way affected by the Ostend Company or by designs on Gibraltar. Nevertheless, as utilized by Shippen in the House of Commons, the contention was decidedly effective.[1] On the other hand, when Lord Lechmere proposed on February 17, 1725/6, in the other Chamber that to the address of thanks for the King's communicating the Treaties of Vienna and Hanover to the House there should be added a clause asking that ' this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England, without the consent of Parliament ', this motion was lost by the overwhelming majority of 94 to 15.[2] When a new session opened on January 17, 1726/7, a vigorous attack upon the Government's foreign policy was at once launched by Lord Bathurst,[3] who complained that by the Treaty of Hanover the obligations of Great Britain and the United Provinces were not reciprocal. We guaranteed the Dutch their possession of the Barrier fortresses, but they did not guarantee us our possession of Gibraltar. He did not feel assured that the

[1] *P. H.*, vol. viii, 502–7. Walpole did not approve of the policy of the Treaty of Hanover, and did not at all like having to stand up in the House of Commons to defend Townshend's handiwork. See Hervey, vol. i, pp. 110–17.

[2] *P. H.*, vol. viii, pp. 510–11.

[3] Jan. 24, the House being in committee on the King's speech, *L. J.*, vol. xxiii, p. 16.

Kings of France and Prussia were to be relied upon, so that it might well happen that 'Great Britain must bear the burden of an expensive war with two of the greatest potentates in Europe'. He saw no justification at all for the Hanover Treaty. There had never been any reason to anticipate danger from Spain. Ripperdá's hasty words had been disavowed by the Spanish monarch. Besides, if the indiscretions of a Minister were to be regarded as affording an occasion of war, there could never be any peace. The country, intolerably burdened with debt as it already was, could not afford war. He concluded melodramatically: 'What can we get by a war, if it be a successful one? I will say it in one word, Nothing? What can we lose if it be unprosperous? I will say it in a word, in a syllable, All.'

The defence of the Treaty was undertaken by its author. The obligations of ourselves and the Dutch were perfectly equal. The equivalent of our guarantee of their Barrier was their guarantee of our Protestant Succession. The Government had not based its policy simply upon the utterances of Ripperdá. They were merely corroborative evidence of an offensive alliance between the Empire and Spain, of which there existed such convincing proof that common prudence dictated the adoption of protective measures.

Townshend's arguments did not reassure Lord Bingley,[1] who was exceedingly querulous. He complained bitterly that the whole course of our foreign policy since the Treaty of Utrecht had been mistaken, had resulted in the upsetting of the balance of power. But while he lamented the destruction of the balance, he at the same time deprecated any attempt to restore it. As he pathetically observed—pronouncing a judgement wiser than he realized upon the characteristic eighteenth-century conception of international polity—our interests lay in preserving the balance, but we must beware lest that valuable prerogative led us into perpetual wars. We should take a lesson from the fate of Venice.

Carteret answered these counsels with verve. We lacked neither the strength nor the wealth, nor (he hoped) the spirit

[1] Robert Benson, first baron, 1676–1731. See *infra*, pp. 420–1.

to defend ourselves and our commerce against encroachment. The example of Venice should be an encouragement to action, not a deterrent. Venice had been ruined, not by intervention in foreign wars, but by the loss of her trade. 'The most effectual way to restore amity was to come to vigorous resolutions and to put ourselves in a posture of doing ourselves justice.' [1]

Such was ever the Carteret policy. After a debate in which there was expressed once more the ever-recurrent difference of opinion on the wisdom of preparing for war as the best means of avoiding it, the bellicose view prevailed, and a motion proposed by Townshend approving the policy of the Treaty of Hanover was agreed to by the large majority of 98 to 25.[2]

The threatened general conflict did not take place. Spain began, but had not sufficient naval forces to press, a siege of Gibraltar. The Emperor came to terms, agreeing to suspend the charter of the Ostend Company for seven years. Spain for a while refused to negotiate, but June 14, 1728, found a congress opened at Soissons. The stumbling-block, which rendered the congress abortive, was the question of Gibraltar, Spain still insisting upon its restitution. The British people, who had not grasped the importance of Gibraltar for long after its capture, were fully alive to it now, and no British statesman in 1728 would have dared to agree to part with the Rock, as Stanhope had been prepared to do ten years earlier. Spain eventually gave way. The Treaty of Seville, which was signed on November 9, 1729, marked the tacit abandonment of the claim.

While the Treaty was being negotiated, the attention of Parliament was naturally alert. On March 18, 1728/9, it was moved in the House of Lords that 'effectual care be taken in the present Treaty, that the King of Spain do renounce all claim and pretension to Gibraltar and the island of Minorca, in plain and strong terms'. No amicable arrangement was ever arrived at by couching demands in

[1] For this debate see *P. H.*, vol. viii, 535–43.

[2] *L. J.*, vol. xxiii, p. 16. A protest was entered, *ibid.*, pp. 16–17; *Complete Protests*, vol. i, pp. 384–6.

categorical language of this kind, and the Opposition in making such a suggestion was evidently more intent upon embarrassing Ministers in Parliament than upon helping their negotiations abroad. The motion was rejected by 86 to 34. A resolution was then adopted to the effect that the House entirely relied upon his Majesty to take effectual care to preserve his undoubted rights to Gibraltar and Minorca.[1]

The Treaty of Seville was a triumph for the diplomacy of Cardinal Fleury, since it ended the estrangement which had existed ever since 1715 between France and Spain, and made possible close co-operation between the Bourbon powers. As between Great Britain and Spain it was a successful compromise. Apart from the silent dropping of the claim for the retrocession of Gibraltar, Spain restored all the commercial privileges which had been granted to Great Britain in treaties of 1667, 1713, and 1716, and she withdrew the special advantages which she had bestowed upon the Ostend Company. On the other hand, Great Britain consented to the introduction into Parma, Piacenza, and Tuscany, as a guarantee of the succession to those Duchies of Elizabeth Farnese's son, Don Carlos, of Spanish garrisons instead of the neutral troops sanctioned in the terms of the Quadruple Alliance. This British concession to Spain deeply offended the Emperor.

It was naturally upon this last arrangement that criticism chiefly fastened. When the terms of the Treaty were laid before Parliament the pertinacious Bathurst moved that the agreement regarding the Duchies was a manifest violation of the Quadruple Alliance; it tended to involve the nation in a dangerous and expensive war, and to destroy the balance of power in Europe. The motion was lost by 86 to 31, though Bathurst had a really strong case on the subject of the Duchies. The objection was also raised that our rights over Gibraltar and Minorca were not safeguarded by a definite stipulation. Townshend defended his handiwork, and then a motion approving the Treaty was carried

[1] *L. J.*, vol. xxiv, pp. 365–6; *P. H.*, vol. viii, 695–7; *Complete Protests*, vol. i, pp. 391–3.

by 72 to 30.[1] The conclusion of the Treaty had rather taken the wind out of the Opposition's sails. They had not really anticipated so satisfactory a conclusion to the negotiations. The reaffirmation of the *Asiento* privileges granted by Spain in the Treaty of Utrecht appeased the commercial interest whose grievances they had proposed to exploit against the Government. But the opportunity was to recur, and the Opposition to take full advantage of it within the next decade.

Not long after the conclusion of the Treaty of Seville, in May 1730, Townshend resigned. While he had been engrossed in the conduct of foreign affairs and in the management of the House of Lords, by steady degrees his greater colleague had been building up a commanding position, which was based upon his mastery over the House of Commons. Now the parting of the ways had come. Townshend and Walpole had not seen eye to eye as regards foreign affairs. Walpole had never cared for the anti-Austrian bent of the other's policy. The Treaty of Seville had bought off Spain at the heavy cost of Austria's estrangement, and war with Austria would be no more tolerable than war with Spain. Having now a free hand, Walpole addressed himself to securing an understanding with the Emperor. Fears that the Treaty of Seville might involve us in a war with Austria were expressed by the Opposition in their motion, brought forward in both Houses, for the insertion of a clause in the address of thanks for the King's speech at the opening of Parliament in January 1730/1, beseeching his Majesty ' not to enter into any measure for carrying on a war against the Emperor, on the Rhine, or in Flanders '. In the Upper House the motion, proposed by Carteret, was lost by 84 to 23.[2] But the anxiety to avoid such a contingency was felt as strongly by Walpole as by anybody. Eventually his efforts were crowned with success, and by a guarantee of the Pragmatic Sanction the Emperor was induced to accept the arrangements of the Treaty of Seville in the second Treaty of Vienna of March 1731.

[1] See *L. J.*, vol. xxiii, pp. 462–4; *P. H.*, vol. viii, 773–5; *Complete Protests*, vol. i, pp. 402–5.

[2] *P. H.*, vol. viii, 832.

We are apt to think of the period of Walpole's ascendancy as one of peace; but it was throughout a time of anxiety, owing to the complex rivalries and jealousies of the European Powers. It is true that Walpole succeeded in holding aloof from the War of the Polish Succession, which broke out in 1733, but the situation was delicate and there could be no certainty that we should not be involved in hostilities. Yet so determined was the Opposition to embarrass the Minister at every step and so strong was the suspicion entertained in those days of anything in the nature of a standing army that even when the posture of foreign affairs was obviously disquieting, voices were raised in favour of a reduction of our forces. Thus the appearance of the annual Mutiny Bill in March 1733 prompted Carteret to move the reduction of our effectives from 18,000 to 12,000. Arbitrary power, he observed, had always been introduced by means of a prostitute clergy, a large number of revenue officers, and a standing army. These—such was the tacit suggestion—were the three main props of Walpole's ascendancy. It should be noted that Chesterfield on this occasion supported the Government, scouting the idea that our military defenders could imperil our liberties; also Argyll, who told the House it should be thankful that Great Britain was an island: otherwise not 18,000 but 60,000 regular troops would be necessary.[1]

Just a year later, near the close of the session, a royal message was delivered to the Houses desiring that, owing to the menacing situation on the Continent, the King might be empowered during the recess to augment both the military and naval forces in the event of emergency. When on March 29 Newcastle moved an address for a favourable reply, Carteret objected strongly. He went so far as to say that to agree to this request would be 'a most certain prelude to slavery'. Lord Bathurst spoke in the same vein. If the Crown could by a mere vote of Parliament in an address be empowered to raise an unspecified number of troops, by the same means it could press men into service. As any forces raised must of necessity be paid for, the House was really being invited to authorize the Crown to

[1] *Ibid.*, 1235–61; *L. J.*, vol. xxiv, p. 203.

raise money, and a man was always most extravagant when he was living on credit. There was indeed no danger of exceptional powers being misused during his present Majesty's reign—this is the way the Opposition in Hanoverian days were wont to put their arguments—but a very serious danger would arise in the case of an ambitious prince or of a weak one 'under the sole management of a guilty and wicked minister'. Chesterfield also used alarmist language. He spoke of the present demand as 'the most extraordinary . . . ever made upon any Parliament in this Kingdom'. He made the sensible suggestion that the right solution of the difficulty was to extend the existence of the present Parliament. When the motion was triumphantly carried by 101 (including 25 proxies) to 58 (including 19 proxies), the protest inserted in the *Journals* against this decision indicated very clearly what was the dominant motive of the minority. They had confidence in the Crown, but not in its Ministers.[1]

The Mutiny Bill of 1735 inspired the same sort of language, the same demand for a reduction in our forces. To the Government's suggestion that we must regulate our numbers by those of France, the Opposition retorted that it might as well be maintained 'that because the French have given up their liberties and submitted their necks to the yoke of arbitrary power, we ought to do the same'. Hervey, who though a supporter of the Government always felt sympathy for arguments against the maintenance of more than a skeleton standing army, praises the speeches of Chesterfield and Carteret on this occasion, 'the strength, knowledge and eloquence' of the one, the 'wit, satire and ingenuity' of the other.[2] Even as late as March 1738, when our relations with Spain were becoming critical and the Opposition were doing

[1] See *L. J.*, pp. 398, 401–2; *P. H.*, vol. ix, 519–61; *Complete Protests*, vol. i, pp. 453–6.

[2] See *L. J.*, vol. xxiv, p. 489; *P. H.*, vol. ix, 870–81; Hervey, vol. ii, pp. 148–50. The old Lord Strafford also spoke on this occasion. Hervey describes him as 'a loquacious, rich, illiterate, cold, tedious, constant haranguer in the House of Lords, who neither spoke sense nor English. There was nothing so low as his dialect except his understanding, nor anything so tiresome as his public harangues except his private conversations.'

their utmost to embitter them, Carteret was still demanding that the standing army should not exceed 12,000 men. Ever since the Treaty of Utrecht the interpretation of the trading rights therein granted to British merchants in Spanish waters had been a sore point of difference, and especially since 1731 conflicts had been numerous between British traders, who were no better than smugglers, and Spanish *guardacostas*, which were simply licensed privateers, and which claimed the right to search merchantmen on the high seas if they were anywhere in the neighbourhood of Spanish-American territory. No doubt there was violence on both sides, and little to choose between British free-trader and Spanish coast-guard. But ever since the days of the great Elizabethan seamen, the British trader had felt it to be his right to encroach upon the monopoly claimed by Spain, since she had never had the naval power properly to safeguard it. The contraband commerce was exceedingly profitable; stories about the enormities perpetrated on British subjects seized and placed in American prisons roused the national ire, and the picturesque story of Captain Jenkins, related to a committee of the House of Commons in March of this year, 1738, was only the culmination of a series of such narratives. Not only the merchants of the great English and Scottish ports, but the ordinary uninstructed public, were aflame with ardour against the wicked Spaniards, whom the pusillanimous Government allowed to seize our peaceful merchant ships and torture their unoffending crews. Never had the Opposition had so splendid an opportunity of embarrassing Walpole; they seized it with alacrity. The vehemence of the outcry rendered our relations with Spain delicate, especially as there were other difficulties apart from the trade disputes—a claim from the Spanish Government for compensation for the destruction of its ships at Cape Passaro in 1718, a frontier question in Florida. Yet all these matters should have been susceptible of a peaceful diplomatic solution. Indeed, they were solved in the subsequent Convention of El Pardo. The fact that they led to war was mainly the result of the tactics of the Opposition.

But, despite the fact that the line they were adopting

directly involved the risk of war, the Opposition would not forgo their annual delight of tilting at the military strength which Ministers deemed necessary for the country's safety. Carteret had the effrontery to assert that a standing army was at all times to be regarded as an encroachment, only justified by special circumstances, that the state of Europe was particularly peaceful, and that as for the activities of the Spanish guardships against our merchantmen, they were undoubtedly a nuisance, but inasmuch as there was no risk of an invasion of our shores by Spain, this was no argument for a large army. Chesterfield spoke in the same strain. If we did not curtail our armaments now, we never should.[1] While Walpole himself was, as ever, strongly in favour of securing a peaceful settlement of our controversy with Spain, the two principal representatives of his Government in the House of Lords, Newcastle and Hardwicke, were all for firm action. Newcastle, in this debate, made but a bungling reply to the factious arguments of Carteret and Chesterfield, and the Lord Chancellor had to come to his rescue.[2] But the Ministry had an obviously good case. There was danger of a complete rupture with Spain, and, that being the case, the demand for a decrease in our forces was absurd.

During the month of March 1737/8, the House of Commons was engaged in hearing petitions and examining witnesses on the subject of Spanish depredations. On March 30 Pulteney moved a number of resolutions affirming our trading rights in Spanish-American waters, and controverting the Spanish claim to search our ships. Walpole moved and carried an amendment to omit the latter contention.[3] He did not want parliamentary resolutions to embarrass him in diplomatic interchanges with the Court of Madrid. But Walpole had no such control over the House of Lords as he had over his own House, and the fact that on this issue Newcastle and Hardwicke took a bolder line than he did, played into the hands of the Opposition in that Chamber. There was at this time a difference between the attitudes of

[1] See *L. J.*, vol. xxv, p. 185 ; *P. H.*, vol. x, 479–561, esp. 479–95, 510–24.
[2] Campbell's *Lives of the Lord Chancellors*, vol. v, p. 69 ; Yorke, *Life of Hardwicke*, vol. i, p. 184.
[3] See *P. H.*, vol. x, 561–729, esp. 643–729.

Newcastle and the Lord Chancellor. The former had definitely joined the war party, and was engaged in carrying on independent negotiations with Keene, the British Ambassador in Madrid, although he continued to be a member of Walpole's Cabinet. Hardwicke, on the other hand, while not disposed to subordinate all other considerations to the maintenance of peace, was not yet disposed to think that war was unavoidable.[1] On May 2 a very significant debate took place upon three resolutions moved by Lord Cholmondeley[2]: (1) That British subjects 'have a clear and undoubted right to navigate in the American seas . . . ; likewise to carry all sorts of goods . . . from any part of his Majesty's dominions to any other part thereof; and that no goods being so carried are, by any treaty subsisting between the crowns of Great Britain and Spain, to be deemed or taken as contraband or prohibited goods'. (2) That since the Treaty of Seville British cargoes 'have been violently seized and confiscated, upon pretences altogether unjust and groundless', that many of our sailors have been barbarously imprisoned and ill treated; and that thereby liberty of navigation and commerce, which was ours by the law of nations and express treaties between the crowns of Great Britain and Spain, had been violated. (3) That Great Britain had made endeavours to obtain redress 'in a manner the most agreeable to the treaties, and to the peace and friendship subsisting betwixt the two Crowns', but that these had proved entirely fruitless and of no effect.[3]

Carteret was the most powerful speaker for the acceptance of these resolutions. He made a long and elaborate speech, based upon a close study of the several treaties between Great Britain and Spain concerned with questions of American trade. His reasoning may have been false, but

[1] See Yorke's *Life of Hardwicke*, vol. i, pp. 187, 216–17, esp. 216–17, letter from Hardwicke to Newcastle, June 16, 1737. The fact that it should have been possible for Newcastle, who is usually (incorrectly) represented as a nonentity, to follow a policy diametrically opposed to Walpole's on a fundamental question such as this is a salutary warning against superficial dogmatism on Walpole's absolute control over his Cabinets.

[2] George, third earl, 1703–70.

[3] *L. J.*, vol. xxv, pp. 237–8. Leadam, p. 359, is in error in ascribing this debate to March 30.

his information was thorough. His theme was that the question of the right of search was fundamental. 'This, my lords, is what we ought to insist upon; for without this concession, all other concessions from the Spanish court are to no purpose.' The Spaniards, he insisted, had no right to make use of the word 'contraband'. 'When two nations are at peace together, and amicably agree that they shall have no trade, no intercourse, no commerce with one another, to suppose that either of these nations hath a right to search the ships of the other, is to suppose what is inconsistent with common sense.' It was not possible for vessels trading from certain of our West Indian islands to certain others—for example, from Barbados to Jamaica—to do so without passing through what the Spaniards claimed to be their territorial waters round Hispaniola. Every peaceful British seaman engaged in this exclusively British trade, therefore, was liable according to this Spanish claim to search and confiscation of cargo. 'In such circumstances "no search" was a cry which ran from the sailor to the merchant, from the merchant to Parliament. From Parliament it should reach the throne.' He therefore moved as an addition to Cholmondeley's first resolution: 'And that the searching of such ships on the open seas, under pretence of their carrying contraband or prohibited goods, is a violation and infraction of the laws of nations and of the treaties subsisting between the two Crowns.'

Hardwicke professed his sympathy with the indignation expressed by the last speaker at the many insults and injuries which the country had received at the hands of Spain, but he did not altogether approve of Carteret's sentiments on the subject of contraband, conceiving 'that there are certain cases wherein any nation, though at peace with another, may, by the law of nations, enter and search the ships of the other'. He feared that to deny the right of the Spaniards to search British ships in any circumstances whatever would produce misunderstanding, which would be regrettable. He made it clear that he hoped Carteret would withdraw his amendment, but at the same time he was evidently so much in sympathy with Carteret's point of

view that he expressed his desire to do nothing to damage the nation's ardour on this subject of Spanish depredations, and he would not object to Carteret's amendment being pressed if the general sense of the House was in its favour.

Bathurst was, as ever, pugnacious. We had tamely submitted to insufferable insults. Our negotiators had not behaved with the spirit and resolution becoming Englishmen. All we had to fear was a maritime war, and from that we could derive only advantage. Newcastle, expressing solicitude lest the zeal of Parliament in the interests of the nation should appear to take the form of criticism of the Government, had a word to say in favour of the Ministry's conduct of negotiations. He reminded the House that the arbitrament of war was at the best hazardous, and expressed the belief that it should be possible to convince the Spaniards that an amicable settlement was in their own interests, seeing that our cause might easily become the cause of all Europe. Chesterfield refused to believe in the goodwill or the good faith of the Spaniards. They had certainly been procrastinating—Spanish diplomacy was ever that—but he professed to be of opinion that the delays in this case were deliberate, amounting to 'an absolute denial of redress'. The Spaniards would not be our friends on any less terms than our acknowledgement of their absolute sovereignty in American waters. If this was not a case in which we ought to assert our rights by our arms, then we must never assert them.

The resolutions, including Carteret's addition to the first, were accepted without a division, and next day an address embodying them was presented to the King. There had been virtually no opposition whatever in the House of Lords to resolutions much more outspoken in character than those which Walpole had refused to accept without important modification in the Lower House on March 30. The crucial question of the right of search, so carefully removed from sight in the other Chamber, was brought clearly into the open by the Peers.[1]

[1] For this debate see *P. H.*, vol. x, 730–87. Archbishop Secker's brief notes on the debate are given on 730–1 *n*. See also *Secker MSS.*, Add. MSS. 6043, ff. 9–12.

During the parliamentary recess the protracted negotiations between Great Britain and Spain were at last brought to a conclusion. The vexed questions of the boundary line between Georgia and Florida and of the right of search were, it was agreed, to be referred to a commission; the British claims in respect of Spanish depredations were fixed at the figure of £200,000, against which was to be placed the Spanish counter-claim for £60,000 for the damage done to the fleet at Cape Passaro. For the sake of obtaining payment in cash the British Government was prepared to forgo £45,000 of the balance in their favour, leaving a sum of £95,000 due to Great Britain. A convention to this effect was signed at El Pardo on January 14, 1738/9. But the Spanish King only agreed to the ratification on condition that a sum of £68,000 was paid by the South Sea Company, this being due, according to the Spaniards, in respect of a duty on negroes payable under the terms of the *Asiento* contract. The British plenipotentiary agreed that this claim should be settled if it could be proved to be owing. In that event all the money that would be forthcoming from the convention would be the trifling amount of £27,000.[1] As the Convention, at the same time, left the question of the right of search undetermined, it was quite certain to come in for severe treatment in Parliament as soon as its terms became known. It received the approval of the Cabinet on January 26. The Convention was not a striking success for British diplomacy; the net gain was too small, and it is probable that, even had popular expectations been much less extravagantly raised, it would have come in for sharp criticism. On the other hand, seeing that not even the subsequent argument of war induced Spain to withdraw her claim to right of search, it is quite certain that by no purely diplomatic means could the British case on this crucial question have been carried.[2]

In the debate on the address on February 1, 1738/9, dis-

[1] For text of the Convention of El Pardo see *P. H.*, vol. x, 1023–8 *n.* See also *L. J.*, vol. xxv, pp. 286–7.

[2] On the reception of the Convention by public opinion in England see Vaucher, *Robert Walpole et la Politique de Fleury*, pp. 271–89.

cussion on the Convention started. Chesterfield dealt scathingly with the reparations secured by this agreement. He hoped we would have no more of the kind; 'two or three such reparations would undo us.'

Newcastle and Hervey spoke for the Government. The latter made a sound and temperate speech. There was no use denying the existence of illicit trade in the seas of Spanish America. While defending our legitimate trade we must repudiate the trade that was not legitimate. We must not go to war simply in defence of smuggling. It was no use sneering at negotiations. War itself was only a prelude to negotiations.[1]

On February 8 the Opposition lords returned to the attack. The Duke of Newcastle had placed before the House a copy of the Convention of El Pardo. Carteret, with an elaborate affectation of guilelessness, suggested that the papers might not be complete. He had known of cases of one or two contracting parties having made his assent conditional on some stipulation not contained in the agreement itself. It would be a great help if Ministers could give a definite assurance that there was no such contingent acceptance on the part of the King of Spain. The evasive answer of Walpole's son-in-law, Lord Cholmondeley, speaking on behalf of the Government, convinced Carteret that his 'distant surmises' thrown out 'with great simplicity of heart' were only too well founded.[2] On February 22 Newcastle laid before the House a copy of the Spanish monarch's declaration concerning the South Sea Company. Bathurst rose with the greatest concern to congratulate his noble friend upon the salutary hint he had given a fortnight before. It had given the House, had given the whole kingdom, 'a very great light'. It was now proved that the Convention was entirely valueless; that Spain had not abated one jot of her insolent haughtiness. He moved that the question of the £68,000 claimed to be due to Spain be examined by the House, and that the South Sea Company directors be summoned to

[1] For this debate see *P. H.*, vol. x, 876–940 (Secker's version, 876–8 *n.*); *L. J.*, vol. xxv, pp. 277–8.

[2] *P. H.*, vol. x, 1013–23; *L. J.*, vol. xxv, pp. 286–7.

attend. This proposal was only negatived by the narrow margin of 49 voices to 42.[1]

On March 1 there took place a debate of the first importance on the Convention; it has been termed 'one of the most striking, perhaps, in the annals of Parliament'.[2] It was during this debate that the noble and distinguished ladies led by the Duchess of Queensberry by the adoption of Amazonian tactics succeeded in forcing an entry into the Chamber.[3] According to Smollett, the debate in the Lords was 'maintained with equal warmth, and perhaps with more abilities than it was in the House of Commons', where the corresponding discussion took place a week later. It was a day of great oratorical displays. Carteret, according to the same authority, 'displayed a surprising extent of political knowledge, recommended by all the graces of elocution, chaste, pure, dignified and delicate'. Bathurst attacked the Convention 'with all his usual spirit, integrity and good sense, particularly animated by an honest indignation which the wrongs of his country had inspired'.[4] Chesterfield was at his best. 'One of his arts', we are told by Herring, now Bishop of Bangor,[5] 'was to turn the eyes of his audience upon the tapestry, and bid them remember the transactions of that immortal navy, and then he ask'd whether there were any history looms at work now. He hoped not—with great emphasis.'[6] The honours for eloquence were all with the Opposition, who had a much easier task than the Ministerialists, and had material which they could bedeck with the finest patriotic fervour, while the Lords on the other side could not possibly make out that the Convention of El Pardo was a brilliant triumph of British diplomacy.

Discussion turned upon two points. First, had we gained

[1] *P. H.*, vol. x, 1024–39; *L. J.*, vol. xxv, p. 298.

[2] Yorke, *Life of Hardwicke*, vol. i, p. 188. On Feb. 23 Bedford had presented to the House petitions against the Convention from the city of London, West India merchants, &c. See *P. H.*, vol. x, 1040–50; *L. J.*, vol. xxv, p. 300.

[3] See *supra*, p. 15.

[4] T. Smollett, *History of England* (5 vols., 1818), vol. iii, p. 344.

[5] Thomas Herring (1693–1757), Bishop of Bangor, 1737–43, was promoted to the archbishopric of York in the latter year and became Archbishop of Canterbury in 1747. See *D. N. B.*, vol. xxvi, pp. 259–60. Herring was a zealous Whig.

[6] Quoted in Yorke, vol. i, p. 189.

anything by the Convention ? Second, what did we stand to gain or to lose by going to war ? Carteret was indignant that the question of the right of search should have been referred to a commission. Its acknowledgement by Spain should have been made a preliminary condition of the Convention. The reparations secured were no reparations at all, clogged as they were with all manner of conditions. Why should we pay damages for Cape Passaro ? We had never acknowledged that our attack upon the Spanish fleet on that occasion had been unjustified. The Convention might indeed be said to preserve peace between ourselves and Spain, but only in the sense that it disabled us from making war. Let war be accepted as our arbitrament rather than this Convention. War could do us no damage ; it was bound to injure the Spaniards in their American trade. Hoadly, now Bishop of Salisbury, protested against bullying methods, and recommended tact in dealing with Spanish susceptibilities. The Spaniards ' will give up a point of interest, before they will give up a point of form '. Cholmondeley joined in preaching the doctrine that war was always disadvantageous to a commercial nation. Bathurst indignantly repudiated such ideas. People would never risk going abroad to trade unless they felt that they were assured of their country's protection. If we acquiesced in the Spanish claims, we might as well give up Jamaica and our sugar islands. In Elizabeth's day we were not afraid of Spain. Spain, cried Argyll in the same vaunting strain, was great only in our fears. Judging from the report of it, Hardwicke's speech seems to have been very ineffective, and to have afforded a good many openings to Chesterfield. He distinguished, for example, between a right and the enjoyment of it. Chesterfield was sure that ' no right is good for anything unless it is enjoyed, nor further than it is enjoyed '. Islay would appear to have made the best defence of the Convention. The right of search as a defence against smuggling belonged to all countries. Our own South Sea Company possessed and exercised it under the *Asiento* Treaty in dealing with contraband traffic in negro slaves. War was not a thing to be welcomed with open arms. The

times which were best to read about were far from being the times best to live in. An address of thanks for the Convention was eventually carried by 71 to 58, or with proxies, 95 to 74. Thirty-nine protested, reiterating the arguments used in the debate against the Convention, and deploring the possibility that the address might be construed as an indication that the Convention of El Pardo had the nation's approval.[1]

The fact that neither the method of peace nor that of war had the united support of the British people, that there was a marked division of opinion not only in Parliament, but in the Cabinet, encouraged the Spanish Government in a recalcitrant attitude. It refused even to discuss the question of the right of search; it delayed the payment even of the small balance admittedly due to Great Britain under the terms of the Convention.[2] Feeling against Spain tended to grow as the result of this procrastination during the summer months.

The demand for war in England became almost irresistible; but it was actually precipitated by the Spanish Government, which abruptly revoked the *Asiento* Treaty, and announced its intention of seizing property of the South Sea Company in liquidation of the claim for £68,000.

The Opposition took to itself all the credit for any success that attended the country's efforts in the war, especially for Vernon's capture of Porto Bello, Vernon having been a member of the Opposition in the Commons. It took care to remind the Government of a previous expedition against Porto Bello in 1727, when the present Minister had, as they put it, given Admiral Hosier orders 'to persuade the enemy ships to surrender, and to lie with his squadron till it rotted, before a sea port which Mr. Vernon had taken with a fourth part of the force'. The inference was that any naval successes achieved must be the result of the admiral's own prescience; Walpole could not be trusted to give proper orders to any admiral.[3]

[1] For this debate see *L. J.*, vol. xxv, pp. 307–9; *P. H.*, vol. x, 1091–1246; *Hardwicke MSS.*, Add. MSS. 35875, ff. 426–9; *Complete Protests*, vol. i, pp. 481–5; Coxe, *Memoirs of R. Walpole*, vol. iv, p. 69.

[2] H. M. C., *Earl of Buckinghamshire's MSS.*, pp. 29–32.

[3] *P. H.*, vol. xi, 731–9.

On December 1, 1740, the Lords agreed to a vote of thanks to Vernon, 'the only man', in the opinion of the Opposition, 'who had shown vigour', 'who alone had raised the reputation of a sinking nation'. The Opposition went on to ask for a copy of Vernon's instructions. They were convinced that the Ministry had been remiss, had not supplied him with sufficient forces or stores. Otherwise he would have penetrated by this time to Panama, Darien, Mexico. Why all this criticism of Ministers? demanded Newcastle, querulously. It sounded as though we had met with disaster, whereas we had actually met with unexpected success. It was a fatal thing to publish in time of war such documents as were demanded. Chesterfield was instantly up on the high horse. This was to accuse the House of babbling, while to object to criticism of war measures was tantamount to saying that, just when mistakes were most dangerous and irreparable, Parliament was useless. 'You shall not inquire into the conduct of a war till by the blunders of Ministers our fleets and armies are destroyed, and the nation obliged to a dishonourable peace.'[1] The demand for the production of Vernon's instructions was defeated handsomely, but the Opposition were pertinacious. Well supplied by Vernon himself with information as to his grievances, they next pressed to be shown the letters which the admiral had received from Ministers since his departure from England.[2] They did eventually secure the publication of some official papers relating to war material, which turned out much to the Government's prejudice. They next pressed for the instructions which had been issued to Admiral Haddock, who had done nothing but cruise outside Cadiz. Haddock was an energetic man; therefore this inactivity could not be his, it must be the Ministry's. The Ministry's conduct of the whole Spanish business, both in peace and in war, had been a succession of blunders. We were blundering on into irretrievable ruin, were on the brink of a precipice. Parliament had a right to information in such circumstances.

[1] *Ibid.*, 699–753 (esp. 698–702 *n.*, from Secker); *L. J.*, vol. xxv, pp. 545–6; *Complete Protests*, vol. i, pp. 489–92.

[2] Dec. 1. *L. J.*, vol. xxv, p. 547; *P. H.*, vol. xi, 755–62.

There were strangers present at this debate, and Hardwicke assigned this as a reason for secrecy. If the need of secrecy be the motive of the Ministry's recalcitrance, said Gower, then let a secret committee be appointed. His motion to this effect was rejected.[1]

Argyll took a prominent part in the attack. He had been referred to in the House of Lords as the one man in the kingdom supremely qualified to conduct the war to a successful conclusion ; but he had not been invited by the Government to conduct it at all, and personal pique was manifest in every sentence of his speech. There were two ways, he now declared, of conducting war—the right way and the wrong way. The latter was that of employing in commands men whose votes in Parliament were useful ; the other, that of employing the experienced and the expert. These remarks were made in a discussion which the Duke had himself initiated on the proper method of adding to the strength of the army. He condemned the one adopted by the Ministry, viz. that of creating new units, as being unnecessary, expensive, and dangerous to the country's liberties. Newcastle, with a really charming *naïveté*, confessed that he did not possess the knowledge to enable him to answer Argyll.[2]

The question of the military resources of the country had by this time become important. The Emperor Charles VI had died on October 20. In the middle of December Frederick the Great invaded Silesia. We had obligations to Maria Theresa under the Pragmatic Sanction, which we had guaranteed. If we were to be true to our word, there was a prospect of being involved in war on the Continent, when our hands were full with the naval campaign against

[1] The Cadiz squadron, which Haddock had been blockading, had succeeded in escaping. For these proceedings see *L. J.*, vol. xxv, pp. 550–1, 578 ; *P. H.*, vol. xi, 768–843 ; Add. MSS. 6043, ff. 78–86, 114–17 (Secker) ; *Complete Protests*, vol. i, pp. 499–500. Motion for Haddock's instructions, Dec. 8, 1740 ; motion for secret committee, Jan. 28, 1740/1.

[2] Dec. 9, 1740 ; *L. J.*, vol. xxv, p. 552 ; *P. H.*, vol. xi, 894–928, esp. Secker's notes which are very full on this debate, 894–902 *n.* ; *Secker MSS.*, Add. MSS. 6043, ff. 86–100 ; *Hardwicke Papers*, Add. MSS. 35876, ff. 69–74. The motion was defeated by 59 to 42. A protest was entered in the Journals, *Complete Protests*, vol. i, pp. 496–7.

Spain. These circumstances must be borne in mind in connexion with the important debate on February 3, 1740/1, on an army estimate for seven new regiments of foot and four of marines. Chesterfield, acknowledging that it must seem strange for a supporter of the war to oppose an augmentation of the forces, nevertheless did so. The number of men we had under arms seemed to him perfectly adequate. It is true we were under contract to supply the Queen of Hungary with 12,000 troops, but he was sure she would want not the troops, but money, so that she could raise them herself. How could troops of ours possibly reach her? He was suspicious of the creation of new regiments. This plan would mean 362 new commissions to be disposed of, and in an election year, too. If the freedom of Parliament was desired, now was the time to secure it by refusing this opportunity for corruption. Argyll reasoned in the same way. In pressing for augmentation of the land forces the Ministry were decrying the value of the navy. He now really believed they were right. Our navy nowadays was no use. Nearly all the flag officers were members of the House of Commons. In Marlborough's day there had not been one-tenth the number of naval and military officers in Parliament that there were now. Ministers answered these gibes about the supposed domestic situation by some pertinent references to the international situation. With the death of the late Emperor the complexion of European affairs had fundamentally changed. The naval war with Spain threatened to be lost sight of in a much greater disturbance, owing to the Prussian King's attack on Maria Theresa. The dominions of the Queen of Hungary were very extensive; they all needed protection. So might the territories of her allies at any moment. There was the possibility of a French attack in Flanders. There was the risk of an invasion of the English shores. Since the Armada no attempted invasion had ever been arrested at sea, argued Hardwicke, in forgetfulness of La Hogue. The Court party easily outvoted Chesterfield.[1]

[1] *L. J.*, vol. xxv, p. 585; *P. H.*, vol. xi, 1019–30 *n.* from Secker only; *Secker MSS.*, ff. 118–37.

But though they had not been able to win in divisions, the Opposition in the Lords had been formidable. All through the last session the chief scene of altercation had been the Upper House. The failure of Vernon at Cartagena, following upon his initial success at Porto Bello, the failure of Haddock at Cadiz had played into the hands of the Opposition. When the elaborate efforts of Walpole to maintain the peace of Europe were thwarted by the cynical invasion of Silesia, the cup of opportunity was filled to the brim and an open concerted attack was made upon the great Minister in both Houses. The truth was that although the Cabinet commanded a majority in both Chambers, it no longer represented the nation, which was in a thoroughly bad temper, first because a popular war had been postponed, secondly, because that war, having opened brilliantly according to expectation, had bitterly disappointed the extravagant hopes of easy and profitable victory.

On February 13, 1741, the attack was launched upon Walpole in both Chambers, Sandys in the Commons, and Carteret in the Lords, moving that the King would be 'most graciously pleased to remove' Sir Robert Walpole 'from His Majesty's Presence and Counsels for ever'. The attack was more vigorous and more powerful in the Upper House. In the Commons the motion was defeated by the decisive majority of 290 to 103.

Carteret opened with a very strong and able speech, which lasted upwards of two hours. He especially condemned the Treaty of Hanover, by which, he argued, we had been delivered into the hands of France and had lost all our allies. We had passively allowed France to refortify Dunkirk, contrary to the stipulations of the Treaty of Utrecht. 'If people fall asleep at their post, it is mild to say only, Pray remove them.' Not content with falling into the hands of France, Ministers must needs fall into the hands of Spain also. Hence had come the Treaty of Seville and the ruin of the house of Austria. Fortunately we had in 1731 agreed to guarantee the Pragmatic Sanction and owing to the abilities of Lord Chesterfield the Dutch had been induced to come into this also. Had this been done earlier, millions

would have been saved. Then had come the supine parleys over Spain's depredations, followed by a languid prosecution of the ensuing war. As regards the Minister's home policy, Carteret singled out for special censure his misuse of the sinking fund, the dismissal of officers from their commissions, the corruption of the House of Commons. As to the justification of the method chosen of proceeding against Walpole—that of address—there was but one alternative, impeachment, which was a criminal action. The present method was not unparliamentary, and it was remarkably lenient. They were asking not for punishment, but merely for removal of the offender.

Newcastle was the first speaker against the motion. We are told that, although oratory was admittedly not his strong point, 'he performed remarkably well', in answer to Carteret.[1] A partial account of national affairs had been made the foundation of an unparliamentary and unprecedented motion. The censure of the House was a great punishment, and more was bound to follow it. As to the Treaty of Hanover, whether it had been good or bad was irrelevant; it had not been of Walpole's making. The use made of the sinking fund had been approved by Parliament. He (Newcastle) had concurred in the general policy of Administration. If it had been wrong, let the whole Ministry be punished together. There was nothing to mark out one Minister as having been more responsible than another. He personally did not desire any fault of his to be excused by the influence or authority of any man.

Argyll was very bitter. Walpole was an able financier, yet expenditure, though in times of peace, had been heavy, and the debt had not been reduced by a single penny. Where had the money gone? The answer was, in corruption. The civil list was the longest ever known. The navy and army had been neglected. Enough money had been spent on the navy within the last six or seven years to have rebuilt it, yet only one-third of our ships were in condition for active service. No preparations had been made for war. The selection of officers for the army had been disgraceful.

[1] Second Lord Hardwicke, *Walpoliana* (1783), p. 15.

'A great part of them were the scum of the universe; many of them should have had nurses sent with them.' It was notorious that Walpole was responsible for all. He had taken the position of sole Minister—one inconsistent with the constitution, a high crime and misdemeanour in itself. He concluded: 'Take away the wicked from before the King, and his throne shall be established in righteousness.'

Most of Hardwicke's speech was occupied with the consideration of precedents and the legal aspect of the motion.[1] This procedure was that of indulging every inclination and suspicion without proof. Such conduct might well injure the reputation of the House of Lords. Much had been said against the Treaties of Hanover and Seville and the Convention of El Pardo; but these had had the approval of Parliament. All else was vague, not susceptible of proof. Thus this motion for an address was nothing better than branding a man to all posterity without so much as hearing evidence; it was contrary to the very essence of what was meant by justice. Take away the necessity of proof and anything might stand for evidence—resentment, ambition, avarice, and malice.

Westmorland,[2] Bathurst, and others were for not being bound by the fetters and the chicanery of the law. In the articles of impeachment against him, Oxford had been accused of usurping royal power, but no commoner had ever usurped the power this man had. With a national demand for punishment, with the House of Commons packed with placemen, pensioners, and other dependants, what less could the Peers do than what was proposed? Common fame amounted to a notoriety of facts. This dangerous doctrine was naturally pounced upon by Walpole's supporters. Such were the principles of the Spanish Inquisition; indeed the procedure being suggested against the Minister was worse than that of the Inquisition, for the supposed criminal was not even being heard.

[1] This is not clear from the mere generalities attributed to the Lord Chancellor in the accounts of the debate in the *Gentleman's* and the *London Magazines*; but it is clear enough in Secker's notes.

[2] John Fane, sixth earl, 1685–1762.

The motion was decisively defeated (108 to 59). Thereupon a remarkable protest (the composition of which was said to be the work of Bolingbroke) was inserted in the *Journals*. Its first clause declared that 'a sole, or even first, minister is an officer, unknown to the law of Britain, inconsistent with the Constitution of this Country, and destructive of liberty in any Government whatsoever', and that Sir Robert Walpole had plainly 'for many years acted as such, by taking upon himself the chief, if not the sole direction of affairs, in the different branches of the administration'.[1]

Carteret's motion having been rejected, a counter-resolution was proposed by the Duke of Marlborough: 'That an attempt to inflict a punishment on any person unheard, is contrary to natural justice.' Feeling appears to have run high, and the young second Lord Talbot blustered vehemently, decorating his harangue with oaths. The previous question was moved and defeated (81 to 54), whereupon Marlborough's resolution was adopted without a division.[2]

The new Parliament—the ninth of Great Britain—assembled on December 4, 1741. There was plenty of bad news from the different theatres of war, and the general election had been unsatisfactory from Walpole's point of view. The new Parliament brought the usual crop of election petitions, always dealt with in those days on purely party lines. On January 28, 1741/2, on a question relating to the Chippenham election, the Government were in a minority of one; on February 2 the petition was decided against the Government by 241 to 225. Already, on January 31, Walpole had at last decided to resign. On February 9 he was created

[1] For this notable debate, which the second Lord Hardwicke declared to be the finest he had ever heard in the House of Lords, and which lasted eleven hours (*Walpoliana*, p. 15), see the following: *P. H.*, vol. xi, 1047–1153 (from *London Magazine*), 1153–1223 (by Dr. Johnson in *Gentleman's Magazine*), 1047–64 *n.* (Secker's notes); *Secker MSS.*, Add. MSS. 6043, ff. 145–73; *Hardwicke MSS.*, Add. MSS. 35876, ff. 77–84; *L. J.*, vol. xxv, pp. 596–9; *Complete Protests*, vol. ii, pp. 10–13.

[2] *L. J.*, vol. xxv, p. 597. See also Yorke, vol. i, pp. 252–3, from a letter of Hon. P. Yorke, afterwards second Lord Hardwicke, Feb. 16, 1741. Protest on adoption of Marlborough's resolution, *Complete Protests*, vol. ii, pp. 13–14.

Earl of Orford, and on the 11th he relinquished all his offices. A new Ministry came into being, its leading personality being Carteret. The Commons now decided by a narrow majority to institute an examination into Orford's conduct during the past ten years. The committee of inquiry set to work with the utmost enthusiasm, but soon found that there was extraordinarily little evidence of corruption. Clearly, they decided, the reason must be that people were afraid of coming forward as witnesses lest they should incriminate themselves. To surmount this difficulty, a bill for indemnifying such persons was introduced and was passed in the House of Commons. The crucial debate in the House of Lords was on the second reading on May 25.

Whatever else his faults may have been, there was no rancour or meanness in Carteret's composition, and he had no liking for this bill. The Opposition had not expected to succeed in the House of Lords. They had had a meeting at the Fountain Tavern 'to consider on methods for supporting the honour of the Commons, as they call it, against the Lords'. Carteret had refused to attend this meeting, merely saying that he never dined at taverns. When Orford took his seat as a peer in the Upper House, some who had opposed him deliberately ignored him, but Carteret went up to him to wish him joy.[1] He stigmatized this bill as unprecedented, contrary to the law of England and to natural justice, and to the honour of the House. Argyll maintained that the public were entitled to obtain the evidence of every individual in society, and yet no man was bound to accuse himself. Now, there was no failure to secure a right without a remedy, and by what other means could these two rights —that of society to obtain evidence, that of the witness to avoid self-incrimination—be preserved save by such a bill as this? Chesterfield, professing that he had no personal animus in this matter, argued in like manner that the present bill remedied a defect in the constitution. To reject this measure would be tantamount to passing one of indemnity to all future errant Ministers. Would the House,

[1] See H. Walpole, *Letters*, vol. i, p. 178.

when the nation cried aloud for an inquiry, care to lie under the imputation of having obstructed it? [1]

Hardwicke, both in his capacity as a former colleague of Orford and as a lawyer, vehemently opposed the bill. One noble lord had attempted to justify it by averring that if there existed no *corpus delicti* against Orford, there existed a *corpus suspicionis*. What could the latter phrase mean, exclaimed the Lord Chancellor, but 'the body of a shadow, the substance of something which is itself nothing?' The public was indeed entitled to the evidence of every man, but not to use any sort of method of getting at it. Personally, he would rather suffer by such a bill than vote for it.

The motion to commit the bill was lost by the large majority of 109 (including 17 proxies) to 57 (including 10 proxies). A protest asserted that the bill had been warranted by precedent, authorized by necessity, demanded by the general voice of the nation. The rejection of the bill would be a dangerous precedent when another wicked Minister should arise. It would give great dissatisfaction to the people, and would diminish the credit and authority of the House of Lords.[2] Orford's friends were naturally delighted with the result of this debate, and Horace Walpole, who may have had very many serious failings, but who at least honoured his father, and was intensely jealous for his reputation, boasted of the great, the prodigious victory.[3]

[1] This speech is attributed by an obvious error to Carteret in Johnson's report in the *Gentleman's Magazine*.

[2] For these proceedings see *L. J.*, vol. xxvi, pp. 130–2; *P. H.*, vol. xii, 643–714, Johnson's version, 643–53 *n.*, Secker's notes; *Secker's MSS.*, Add. MSS. 6043, ff. 243–61; *Complete Protests*, vol. ii, pp. 24–8.

[3] H. Walpole, *Letters*, vol. i, p. 233. Cf. Coxe, *Memoirs of Sir R. Walpole*, vol. iv, pp. 291–2. He is full of admiration for the conduct of the Peers on this occasion. 'I look up with reverence to that branch of the constitution, which more than once has saved this country from the overgrown prerogative of the Crown, and from the violence of popular frenzy.'

CHAPTER IX

THE ERA OF THE PELHAMS

The Ascendancy of Newcastle and Hardwicke.

THE ascendancy of Sir Robert Walpole and the concerted and eventually successful attack upon it give a clear dramatic unity to the proceedings of the two Chambers, for the attack was, as we have seen, delivered in both, and at all events so far as the personalities and the eloquence of the leaders was concerned, it was as formidable in the Upper House as in the assembly where Walpole fought his own battle. With his resignation that interest goes ; one's attention is drawn from Parliamentary proceedings to foreign politics, as they were carried on by the grandiose Carteret, the most outstanding figure in the new Ministry. The two great antagonists in the recent conflict made their way to the Upper House, but neither the new Lord Orford nor the new Lord Bath made much mark in that assembly. Orford indeed remained powerful—but in the royal closet, not in Parliament. On the other hand, the man who as Pulteney had been so outstanding lapsed at once into insignificance as soon as he became an earl. The story goes that he dashed his patent of nobility to the floor in a rage.[1]

The new Administration consisted of two distinct strands —of Carteret's small personal following and of Walpole's old henchmen Newcastle and Hardwicke with the Duke of Devonshire. As time went on the two incongruous elements failed to co-operate, and the Pelham interest, with Orford's unseen influence behind it, proved the more powerful. In accepting office Carteret abandoned the men with whom he had been so long allied—Chesterfield and Argyll. He had indeed broken with them before Walpole's fall. The opening of the War of the Austrian Succession, started by Frederick the Great's invasion, immediately brought up the question

[1] W. King, *Political and Literary Anecdotes of his Own Times* (1818), p. 43. See several topical poems by Sir C. Hanbury Williams, *Works* (3 vols., 1822), vol. i, pp. 174–7, 210.

of Great Britain's obligations under the Pragmatic Sanction. To Carteret these were not irksome necessities but a fine occasion for making the country's influence felt in Europe. Thus when a special vote of credit had been asked for on April 9 in order to enable us to fulfil our engagements, Carteret and Chesterfield were found on opposite sides. While the latter spoke gloomily of our marching on the road to ruin, the former strongly supported the vote of credit, or, as a hostile auditor put it, ' opened himself with all the zeal and heart of a convert or of an apostate, which you please, if a man can be called either who has no religion at all '.[1]

In Carteret, with his ' continentalism ', George II had a Minister after his own heart. The nagging tone of British criticism of foreign policy irritated the King, who hated being ' plagued and teased . . . about that damned House of Commons '. The ' damned House of Commons ' [2] now proved as irritating to Carteret as to his master. He and his former associates had not pursued Walpole more relentlessly than he now, being in power, found himself attacked. The furious eloquence of the young Pitt pursued him ; to him also was applied the opprobrious epithet ' an execrable, a sole minister '.[3] Carteret's first serious embarrassment came when the King suddenly announced that, the expense being too great, he must disband 16,000 of his Hanoverian troops. It seemed to Ministers that this step would be fatal to our participation in the war, and it was decided to take these men into British pay. This ' Hanoverianism ' was vehemently attacked in the press and in Parliament.[4] When, however, on December 10 the vote for the pay of the Hanoverian troops was carried in the House of Commons by the substantial majority of 260 to 193,[5] trouble seemed to be over.

[1] *Marchmont Papers*, vol. ii, p. 248. See also *P. H.*, vol. xii, 149–53 *n.*; *L. J.*, vol. xxv, p. 654.

[2] *Newcastle Papers*, Brit. Mus. Add. MSS. 32587, f. 553.

[3] *Caldwell Papers* (3 vols., Maitland Club, 1854), vol. ii, p. 55. W. Coxe, *Memoirs of the Administration of Henry Pelham* (2 vols., 1829), vol. i, pp. 115–16.

[4] See *Works of Hanbury Williams*, vol. iii, pp. 39–42, esp. *Old England's Te Deum, Squire Sandys's Budget Open'd* ; also *The Case of the Hanover Troops*, reputed to have been written by Pitt, Lyttelton, and Bubb Dodington.

[5] *P. H.*, vol. xii, 940–1058.

It was not so, however, for the Lords had yet to be reckoned with. On February 1, 1742/3, the young second Lord Stanhope in a 'precomposed speech which he held in his hands with great tremblings and agitations', moved an address begging His Majesty, in view of the nation's existing burdens, 'to exonerate his subjects from the charge and burden of those mercenaries who were taken into our service last year, without the advice or consent of Parliament.'[1] He 'hesitated frequently in the midst of great vehemence', we are told, 'but his matter was not contemptible.' His chief argument was that the Queen of Hungary's cause was hopeless, as she had been so generally betrayed, and that we could not take the whole burden of her defence upon our shoulders.[2] Lord Sandwich[3]—the Duke of Bedford's satellite—seconded Stanhope. If France was to be dreaded, why was she provoked? If she was too weak to resent provocation, what was the need of armament? Why, demanded Bedford, had we to pay for an army at home which was not used, and at the same time to hire mercenaries for a purpose which no man could conjecture? Hervey, now in opposition, having been dismissed from office in July 1742, gibed at a chimerical policy, embarked upon on behalf of Austria, which provoked France to invade our colonies and which injured both our trade and our credit. To Chesterfield this transaction figured as a flagrant attack upon the rights of Parliament, which was being treated with high-handed contempt. To the argument that the payment had already, by the vote of December 10, received the sanction of the people's representatives, Lonsdale[4] retorted that, if the Lower House had been mistaken, the Peers ought to be specially circumspect; and if it had been corrupt, all the more reason was there for the Peers to retain their integrity. In times of political excitement the people had ever been accustomed to turn their eyes upon the House of Lords, 'to expect redress or security from their calmer counsels,' knowing that in their Chamber reason and justice were to be found, 'when by clamour and uproar they

[1] *L. J.*, vol. xxvi, pp. 195–6.
[2] See *P. H.*, vol. xii, 1058 *n.*
[3] The notorious fourth earl, 1718–92. He had come to the title in 1729.
[4] Henry, third viscount.

have been driven from the other'. By far the most telling speech for the Government was made by Hardwicke. If the liberties of Europe were really imperilled, if we were under treaty obligations to the Queen of Hungary, if it was desirable to hold the ambitions of France in check, then all these objections about the Hanoverian troops were the merest quibbling. 'It is', he affirmed, 'so far from being either evident or true, my lords, that Great Britain is sacrificed to Hanover, that Hanover is evidently hazarded by her union with Great Britain.' Stanhope's motion was defeated by a large majority.[1]

Nevertheless, suspicion of Hanover continued—even after the victory achieved by a joint British and Hanoverian force at Dettingen on June 27. The dominant sentiment aroused by the news of the battle was one of great satisfaction; and in the debate on the address when Parliament opened on December 1, 1743, Carteret spoke with much confidence, 'and was reckoned to get the better of Lord Chesterfield'.[2] But it was not long before the voice of criticism made itself heard. Stories were rife as to the indifferent behaviour, if not the actual disobedience, of the Hanoverians at Dettingen. On the 9th Sandwich moved an address against the continuance of the Hanoverian troops in British pay, 'to prevent the heart-burnings and jealousies which have arisen in the minds of His Majesty's faithful subjects at home and his British forces abroad.'[3] He poured scorn upon the Electorate, 'a wretched corner of the earth, scarce heard of in Europe.' British and Hanoverians could no longer act together; an irreconcilable hatred had been kindled between them. Talbot stigmatized the Hanoverian troops as 'an useless, ignominious and hateful burden'. The King, surrounded by Hanoverians, was advised by a 'minister, who

[1] By 90 to 35. A counter-motion approving the Government's action was then carried by 78 to 35. A protest was entered. See *L. J.*, vol. xxvi, pp. 196–7; *Complete Protests*, vol. ii, pp. 28–32. For the debate generally see *P. H.*, vol. xii, 1058–1189; *Secker MSS.*, ff. 194–311.

[2] See *L. J.*, vol. xxvi, pp. 269–71; *P. H.*, vol. xiii, 102–4 *n.* (P. Yorke's notes); 102–35 (*Gentleman's Magazine*).

[3] *L. J.*, vol. xxvi, p. 276. For the debate see *P. H.*, vol. xiii, 274–383, 274–8 *n.* Of the three accounts Yorke's is by far the most valuable.

though born in England, seemed to have abjured all affection or regard for his country. Chesterfield was ironical about Dettingen. If it was a victory, where were its fruits? His performance in this debate, we are told, 'was much cried up, but few of his admirers can distinguish the faults of his eloquence from its beauties.'[1] Hardwicke spoke for the Government with his usual ability; Carteret in 'a strain of confidence, which was carried even to a degree of rhodomontade', in a 'tragical' manner.[2] Being determined, as Philip Yorke puts it, that this question of the Hanoverian troops should appear Proteus-like in fifty different shapes, Sandwich contrived to revive it on January 27, 1743/4, when there was the largest attendance that Yorke had ever seen in the House,[3] and again a few days later when Chesterfield contributed to the discussion the memorable phrase that 'the Crown of these Kingdoms' was 'shrivelled beneath an electoral cap'.[4]

Anti-Hanoverianism was the most effective card for the Opposition to play; but a Spirituous Liquors Bill of February 1743 also gave them a good opportunity for attack. The appalling evil of the immoderate drinking of spirits prevalent at this period is familiar to us from Hogarth's depiction of its horrors. The Gin Act of 1736 had aimed at virtual prohibition by means of exceedingly high licence fees and heavy duties. So unpopular had this Act been that it proved almost impossible to enforce it—the attempt to do so had produced much violence. The Carteret Administration came to the conclusion that the stringent policy of the Gin Act had been a mistake and that a small duty aiming at temperance was likely to be more efficacious than an exceedingly heavy one aiming at prohibition. It would, moreover, be productive, incidentally, of revenue. The new bill, framed on these lines, passed through the Commons almost undebated; but it met with staunch opposition in the Lords, especially from the bishops.

Carteret and Cholmondeley, in commending the measure,

[1] Yorke's comment, *P. H.*, vol. xiii, 276 *n.* [2] *Ibid.*, 278 *n.*
[3] *L. J.*, vol. xxvi, pp. 297, 299; *P. H.*, vol. xiii, 505–636, esp. 545–7 *n.*
[4] *L. J.*, vol. xxvi, p. 299; *P. H.*, vol. xiii, 552–636, esp. 552–6 *n.* (Yorke).

argued that the immoderate use of spirits could best be dealt with through the existing machinery of the laws against tippling and drunkenness, while, if the evil was ineradicable, the nation might as well avail itself of the profits arising out of it. Lonsdale was virtuously indignant. These were no arguments for a Christian country ; they were fit only for an assembly of devils. Hervey, who, as Horace Walpole puts it, ' had turned patriot at that season on being turned out of office . . . made three remarkably fine orations ', in which he asserted that the new bill was one for establishing drunkenness by law. The bishops maintained that the Gin Act had been effective. If, said Sherlock, there had been tumult in resistance to the Act, the tumult had been owing to the gin—and there had been obvious improvement since. Prior to the Act, no one could come down to Westminster without seeing people lying drunk in the open street and the houses on every side full of gin-drinkers. Such scenes of open vice were no longer to be witnessed. Chesterfield contributed some interesting views on English drinking habits. Beer had been productive of a good-natured, lethargic drunkenness ; merriment had given way to placid sleep. But gin produced madness. In the old days an Englishman had been worth three Frenchmen ; now, owing to the debilitating effects of gin, that was no longer true. Unable to resist a slap at the Hanover troops, he added that the bill would render mercenaries a permanent necessity.[1]

It was not parliamentary oratory but the internal dissensions of the Ministry that brought about its fall. As the war became ever less successful, the aged veteran Wade dawdling hopelessly in Flanders, the Pelhams became more and more dissatisfied with Carteret's conduct of foreign affairs. This was severely criticized in a remarkable memorial drawn up

[1] Despite a powerfully argued opposition to it, the bill eventually passed by 82 to 55 (proxies included). For the proceedings in the Chamber see *L. J.*, vol. xxvi, pp. 205, 212, 218–19 ; *P. H.*, vol. xii, 1191–1440, esp. 1294–1300 *n.*, 1368–74 *n.*, 1424–6 *n.* ; *Secker MSS.*, ff. 312–23 ; Walpole, *Memoirs of George II*, vol. i, pp. 66–7. The policy of the Act was a complete failure. Fielding in his pamphlet *On the Late Increase of Robbers* (1751) attributed the prevalent lawlessness largely to gin-drinking. A new Act of that same year reverted to more drastic methods. See 24 George II, c. 40.

by Hardwicke. Forced to choose between Carteret and the Pelhams, George II asked Orford's advice, which meant the selection of the latter. A definitely Pelham Administration did not, however, follow, as all those who had taken part in opposing the fallen Minister demanded their reward. The consequence was the formation of the so-called Broad-bottomed Ministry. It is worthy of note that in a Cabinet of thirteen there were no less than eight dukes. The middle of the eighteenth century was the heyday of the Whig oligarchy. The Commons might do most of the talking—they were welcome—but the Peers managed the country.

In the present amalgam there were contained some of the most notable members of the House of Lords, some of the most powerful political influences in the kingdom. Lord Gower, 'honest and good-natured,' though not possessed of outstanding gifts,[1] had always ranked as a high Tory, and his acceptance of office under the Pelhams at this time made him an object of odium to his party, so that had it not been for the opposition of his publisher Johnson would have immortalized the name Gower in his Dictionary as a synonym for 'renegade' or 'turncoat'. His son was to play a more prominent part than he in the politics of the eighteenth century as a member of the little clique known as the 'Bloomsbury gang', the followers of the young Duke of Bedford, who was now for the first time given office. The gang was a coterie of self-seekers, whose one motive in political life seems to have been personal gain, yet who made themselves so powerful that they could never be ignored and contrived for a time in the earlier years of George III to render themselves indispensable. Their influence was entirely derived from the rank of their leader, from his broad acres and from the great traditions of the house of Russell. With the possible exception of that of the Cavendishes, the house of Russell was the most powerful of all the great Whig families. While his followers obtained a disreputable repute, Bedford's own character for integrity stood high even with his opponents—

[1] Coxe, *Pelham Administration*, vol. ii, p. 341; H. Walpole, *Memoirs of George II*, vol. i, p. 188; *D. N. B.*, vol. xxxiii, p. 153. He was created Viscount Trentham and Earl Gower in 1746.

no small testimony to his personal character. He lived indeed to be savagely attacked by Junius, but that is no criterion.[1] He had entered public life, like Pitt and the other ambitious young men of his day, as an enemy of Walpole, and he had followed the ordinary line in trying to embarrass that minister in every possible way, and in assailing the Convention of El Pardo. So far there had been nothing to mark him as original. But, as the future was to show, he possessed certain political principles, which distinguished him from the majority of his fellows. The violent advocate of war with Spain in the days of Walpole developed in his maturer years into a preacher of peace.[2] He was of all the statesmen of his day the most urgent for the conclusion of the Seven Years War and he was the principal British negotiator of the Peace of Paris, wherein he was accused of having sacrificed British interests for the sake of securing an immediate settlement.[3] He was also remarkable for holding free trade views, even when to do so exposed him to opprobrium.[4]

Bedford was a respectable, not a distinguished administrator, but he presided at the Admiralty Board with a fair measure of success: Newcastle complained of his idleness and inattentiveness to duty, and certainly he found it hard to resist the allurement of a cricket match or private theatricals at Woburn. But it was his independence of character and action that really disturbed Newcastle's equanimity. Bedford did not show a proper deference to his superior officer. Indeed Bedford showed deference to no one save the Duchess, his second wife. He had a very clear appreciation of his own importance. This proud imperious little Duke certainly would not bow the knee to Newcastle. The Russell acres were broader even than those of the Pelhams. He would not bow it even to the Earl of Chatham, and we are told that whenever that great man's colleagues wished to

[1] *Letters of Junius* (2 vols., 1783), vol. ii, pp. 180–95, Letter XXXVI.

[2] He strongly opposed subsidy treaties in time of peace, and came into conflict with Newcastle on this issue in 1751. See H. M. C., *Denbigh MSS.*, p. 283.

[3] See A. von Ruville, *William Pitt, Earl of Chatham* (English translation, 3 vols., 1907), vol. ii, p. 381; Walpole, *Memoirs of George III*, vol. i, p. 191.

[4] See *infra*, p. 322 *n.*

oppose his policy, but dreaded to do so in terror of his frown, they used to put forward the little Duke as their spokesman. Bedford was quite prepared to stand up to the greatest of the King's subjects, or even to the Sovereign himself, for he sometimes lectured George III with considerable candour, and there is a story, which is, however, told only by enemies and need not be believed, that he once treated the King with positive insolence.[1] Certainly he had remarkable courage. He possessed a singular faculty for arousing animosity, and on several occasions popular frenzy was so stirred against him that he was in serious danger of being killed by the mob—but he was never known to flinch. Bedford's house was once besieged for several days by a furious multitude, but the Duke was not to be intimidated. The explanation of such unpopularity seems to be simple. Bedford was arrogant, obstinate, contemptuous of the crowd. 'His manners and address', wrote Chesterfield, 'were excessively illiberal; he had neither the talent, nor the desire of pleasing.'[2] He comments too on the Duke's wrong-headedness and invincible obstinacy. The author of that queer compilation, *The Royal Register*, which purports to give George III's private opinions of the leading men of the day, speaks of his haughty and insolent demeanour. 'He possessed very exalted ideas of his rank, and no very humble ones of his abilities. He really thought himself capable of governing this country; and because his parasites and dependants, who knew his temper, crouched beneath his authority, submitted to his tyranny, and pretended to admire his wisdom—he expected to find the same complaisance everywhere, even in the councils of his Sovereign.'[3] Bedford was a frequent speaker in the House of Lords. 'He spoke readily', says Horace Walpole, 'and upon trade, well: his foible was speaking upon every subject, and imagining he understood it, as he must have done, by inspiration.'[4] This is not altogether a pleasing picture, but there is withal something attractive in the figure

[1] Told by Junius and by Horace Walpole in *Memoirs of George III*, vol. ii, pp. 182–3. [2] Horace Walpole, *Letters*, vol. iii, pp. 1425–6.

[3] *The R——l Register, with annotations by another hand* (2 vols., 2nd ed., 1788), vol. ii, pp. 85–6.

[4] Walpole, *Memoirs of George II*, vol. i, p. 186.

of ' the little Duke ', very sure of himself, very honest, very brave, afraid of no one—but his wife.[1]

Sandwich was the most outstanding of Bedford's henchmen and quite the least respectable. Archdeacon Coxe could describe him with grave benignity as one who ' to great classical acquirements, and qualifications for business, united talents of wit and humour, a frank and lively temper, and an insinuating address '.[2] It is difficult to recognize in these words one of the most profligate men of the age, one of the leading lights of the notorious Hell-Fire Club of Medmenham, of whom Charles Churchill wrote :

> Nature designed him, in a rage,
> To be the Wharton of his age,
> But, having given all the sin,
> Forgot to put the virtues in.
> . . . . . .
> Too bad for bad men to commend
> Or good to name ; beneath whose weight
> Earth groans : who hath been spared by Fate
> Only to show, on Mercy's plan
> How far and long God bears with man.[3]

The author of *The Royal Register* speaks of this nobleman's possessing ' in a very peculiar manner . . . the art of robbing vice of its disgust ', but understands that from his youth up he had pursued an unblushing course of debauchery. ' His conversation is chiefly tinctured with unchaste expressions and indecent allusions ; and some have assured me, that if

[1] There is an account of Bedford in J. H. Wiffen's *Historical Memoirs of the House of Russell* (2 vols., 1833) ; but the principal authority is the *Bedford Correspondence*, with introduction by Lord J. Russell (3 vols., 1842–6). An interesting Diary kept by the Duke for the period Oct. 1766–Dec. 1770 is included in the *Cavendish Debates* (1841).

[2] *Pelham Administration*, vol. ii, pp. 108–9.

[3] *Poetical Works of Charles Churchill* (1855), pp. 128–9. Cf in *The Candidate, ibid.*, p. 363 :

> Were there but two such nobles to be found
> The very name would sink into a term
> Of scorn, and man would rather be a worm
> Than be a lord ; but Nature, full of Grace,
> Not meaning birth and titles to be base,
> Made only one, and having made him, swore,
> In mercy to mankind, to make no more.

Cf. Gray's poem *The Candidate*, also on Sandwich.

these were omitted by him, much of his wit, or, at least, what is called wit, would be lost.' [1] When a man of this reputation solemnly rose in the House of Lords to denounce in terms of virtuous indignation the obscene work attributed to his companion in depravity, John Wilkes, *An Essay on Woman*, the world stood amazed at this presumptuous Satan reproving sin. This remarkable paragon once sought—and with rare determination—the position of Lord Steward of the University of Cambridge, in his zeal unearthing voters from every corner of the kingdom. It is recorded that when in the prosecution of his candidature he dined at Trinity, the scholars deliberately walked out of the hall in a body in token of their disapprobation : but the episode of Sandwich's candidature is best remembered by the terrible invectives delivered against the candidate by Gray and Churchill.[2]

There was nothing in his appearance to recommend the Earl. He was ungainly and walked with a roll, by which he was easily recognizable—' I am sure he is Lord Sandwich, for, if you observe, he is walking down both sides of the street at once.' But there is another possible explanation of such an erratic movement ! This very complete rake might have been expected to prove nothing of a statesman. But he had certain good qualities. He had great pertinacity. ' His industry to carry on any point he had in view ', sneers Horace Walpole, ' was so remarkable that for a long time the world took it for abilities.' [3] He had industry of another kind. If he spent the might in carousal, he nevertheless contrived to rise early and to put in a full day's work in his office. He was exceedingly methodical and businesslike. In the House of Lords he made a doughty debater and a dangerous adversary. He was shrewd and quick-witted and, as Adolphus puts it quaintly, ' his unruffled temper gave him great advantages in the refutation of charges.' [4]

We may now turn to the two chief magnates in the new

[1] *The R——l Register*, vol. i, pp. 76–7.

[2] See also H. Walpole, *Memoirs of George III*, vol. i, p. 395.

[3] *Memoirs of George II*, vol. i, pp. 161, 186–8. See also *Reminiscences of C. Butler* (4th ed., 1824), p. 72.

[4] J. Adolphus, *History of England from the Accession of George III* (4th ed., 1817), vol. ii, p. 156.

Cabinet, and from now for many years the two dominating figures in the House of Lords—the, at first sight, ill-assorted pair, Newcastle and Hardwicke. The success of this strange combination is one of the most remarkable features of the eighteenth-century House of Lords, and nothing more vividly reveals the essential character of the Chamber prior to George III's attack upon the Whig oligarchy. In common opinion the Duke was one of the most contemptible and the Lord Chancellor one of the most brilliant members of the Chamber during the century. The generally accepted view of Newcastle is the one based on Hervey, Horace Walpole, and Smollett in *Humphry Clinker*,[1] the one popularized by Macaulay in his essay on Walpole's Letters to Sir Horace Mann. It certainly seems incredible that any one so completely ignorant and incompetent, so completely a buffoon, could, however great his territorial influence, have been one of the indispensable statesmen of the century. It *is* incredible. But the truth is that the commonly accepted conception of Newcastle is false. Any one who has not been content with the amusing stories of Hervey and Horace Walpole, but has perused even a small portion of the extraordinarily voluminous correspondence and memoranda of the Duke himself, knows that the true picture is very different from the popular caricature. Some may abandon the latter with regret, because it is so alluringly comical. But there is no occasion for such regret. The real Duke of Newcastle was not *merely* funny, but undeniably he was funny. The real Duke had a very fussy, flurried, restless manner, did appear (as Lord Wilmington said) as though, having lost half an hour in the morning, he was spending the rest of the day in a vain effort to overtake it; was a valetudinarian, with a morbid terror of catching cold, with a horror of damp sheets and draughts, in the heat of summer demanding the closing of the windows of the House of Lords because he felt a dangerous current of air, when other people were melting;[2] was, like

[1] There are two delightful Newcastle scenes in the novel, pp. 116–17, 134–6 (in the World's Classics).

[2] Earl Waldegrave, *Memoirs of 1754–8* (1821), p. 14. The two most amusing descriptions of Newcastle's fear of cold are Walpole's narrative of his conduct at George II's funeral in the Abbey (*Letters*, vol. iv, p. 455),

many other valetudinarians, rather too fond of the pleasures of the table and apt to perpetrate 'indiscretions' against which his digestive organs rebelled.[1] The real Duke was apt to be peevish[2] and suspicious of possible rivals, to be overworried by the anxieties, both great and petty, of the political career which on no consideration would he abandon; did not possess the gift of eloquence, was sometimes confused and incoherent in debate.

But a man may have all these peculiarities and yet not be ignominiously incompetent, and there were those even in his own day who realized that there was something in Newcastle beyond his oddities. Thus Chesterfield acknowledged that public opinion put him below his level,[3] and Shelburne expressed the view that he 'rather cajoled than imposed on mankind, passing for a man of less understanding than he was'.[4] Lord Waldegrave, governor to George III while he was Prince of Wales, was one of the most discerning men of his time, and his characterization of the Duke is probably a well-balanced estimate. He notes that while in debate the Duke's language was 'barbarous, his reasoning inconclusive', on the other hand, 'he labours through all the confusion of a debate without the least distrust of his own abilities; fights boldly in the dark; never gives up a cause; nor is ever at a loss for words or argument.'[5] He comments on Newcastle's freedom from pride and rancour and avarice, his willingness to forgive injuries, his essential goodness of heart. The impression we get of Newcastle in his favourite capacity as electioneer is by no means all unpleasing, for as a rural magnate he was both affable and sagacious.

and the story of his finding Pitt ill in bed in a cold room and having to discuss business with him got bodily into another bed in the same room. See B. Williams, *Chatham*, vol. i, p. 334.

[1] See Add. MSS. 32946, f. 89. Hardwicke to the Duchess: 'I should have checked that excess, which your Grace so tenderly calls *an indiscretion*, by telling him as I have done more than once, that he eat too much.'

[2] He himself confessed, 'My temper is such that I am often weary and peevish, and perhaps what may be called wrongheaded, to my best friends.' But he adds, 'That always goes down with the sun, and passes off as if nothing had happened.' See Ballantyne's *Lord Carteret*, p. 310.

[3] *Letters*, vol. iii, p. 1424.

[4] Lord E. Fitzmaurice, *Life of Shelburne*, vol. i, p. 52.

[5] Waldegrave, *Memoirs of 1754–8*, pp. 12–14.

If his importance depended chiefly on his influence outside Parliament, as a great landowner and skilled manipulator of patronage, he was by no means devoid of political capacity. His immense correspondence, running into upwards of 800 folio volumes, is a permanent testimony to his indefatigable industry, his intense interest in detail, and the considerable acumen of his judgements on men and affairs. The substance of his speeches and memoranda is always sensible and sometimes shrewd. And he had, long before the end of his lengthy political career, acquired an unrivalled experience, not only of the routine of business, but of policies and politicians of many varieties in foreign countries as well as in his own. While his principal occupation was the manipulation—or as enemies might term it, the corruption—of constituencies, he himself was an honest man.[1] He had no desire for personal gain. He did not amass wealth, but lavishly spent it, and it has been computed that after fifty years of public service he was some £300,000 poorer than when he first entered Parliament.[2]

While in general intensely jealous of other outstanding statesmen, the Duke never for a moment deviated from his strong attachment to Lord Hardwicke. This no doubt was partly due to the fact that Hardwicke was a Pelham *protégé*, having originally entered the House of Commons in their interest, partly that Newcastle felt the need of a guide and counsellor, more expert in debate, and of more powerful personality than himself. Newcastle fully recognized the great gifts of the Lord Chancellor. ' Your Lordship's weight and superiority ', he writes, ' will always give activity to the few qualifications I am possessed of.' [3] For counsel on policy, for support in debate, for comfort in affliction he invariably sought Hardwicke, pouring out his soul in the most open self-revelations.

The Chancellor had plenty of enemies ; Horace Walpole cannot speak temperately of him or even mention his name

[1] Lord E. Fitzmaurice gives it as his opinion that he was ' at bottom an honester man than Pitt '. *Life of Shelburne*, vol. i, p. 84.

[2] *D. N. B.*, vol. xliv, p. 261. No historian has yet been found courageous enough to write a biography of Newcastle, which means mastering the whole of his immense correspondence.

[3] See Yorke, *Hardwicke*, vol. i, pp. 370–1.

without a sneer or a malignant comment.[1] It is not surprising that many should have been jealous of him. The son of a country attorney, his great natural gifts, assisted by the patronage of Lord Chancellor Macclesfield and the Pelhams, had early brought him to the front and he had enjoyed a most brilliant career at the bar, becoming Attorney-General when he was only thirty-three. He was only forty-seven when he became Lord Chancellor. From lowly beginnings he had before he was fifty become one of the most influential men in the Kingdom, the equal in power and authority of the proudest duke in all England. No wonder that he was self-satisfied. Ineffable self-satisfaction breathes in all the solemn and pompous sentences of his private correspondence. Making due allowance for the ceremonious epistolary style of the eighteenth century, one is rather aghast to find a father occasionally addressing his sons as ' Dear Lord Royston ', ' Dear Mr. Yorke '. Waldegrave summed up Hardwicke with his usual incisiveness. He says he ' was undoubtedly an excellent Chancellor, and might have been thought a great man, had he been less avaricious, less proud, less unlike a gentleman, and not so great a politician '.[2] That is the feeling of a man of courtly breeding about one who could not shake off some of the characteristics of the *parvenu*. The wonderful success of his career, his meteoric rise from middle-class obscurity to association with the exclusive circles of the Whig aristocracy, robbed him of any simplicity he may ever have possessed. He was intensely conscious of his estate at Wimpole, of his title and his office, of his familiarity with courts and princes.

Of his greatness as a lawyer there has never been any question. Lord Chesterfield considered that he was ' perhaps the greatest magistrate this country ever had '.[3] He is clearly not a favourite with Lord Campbell, yet the latter speaks of him as ' the man universally considered the most

[1] Thus he declares in contradiction to the obvious truth, ' In the House of Lords he was laughed at, in the Cabinet, despised.' *Memoirs of George II*, vol. i, p. 160.

[2] *Memoirs*, p. 20. Cf. *Memoirs of the Marquis of Rockingham* (ed. Earl of Albemarle, 2 vols., 1852), vol. i, p. 18.

[3] *Letters*, vol. iii, pp. 1422–3.

consummate judge who ever sat in the Court of Chancery '.[1] He is the lineal descendant of Somers in the list of the great lawyer-statesmen who have been a force in the House of Lords.[2] As an equity lawyer he stands supreme, for he made of equity a science and a system. His parliamentary influence was essentially that of the judge. He regarded the lawyer as the indispensable guardian of order and of liberty. He was convinced that his own times were particularly lawless—and with some justification, as they were the times of such distinguished criminals as Jack Sheppard, Jonathan Wild, England, and Teach, times also remarkable for outbreaks of mob violence. The majesty of the law was never more potently sustained, never more splendidly embodied, than by this great Lord Chancellor. To him the House of Lords, as the supreme court as well as the supreme council of the nation, possessed a unique dignity and authority, was the dwelling-place of serene and judicial wisdom. Its superiority to the House of Commons he regarded as axiomatic. Something of his own belief in it, something of his own spirit, he communicated to the Chamber itself. He had acquired an outstanding influence in the Lower House, but, as his latest and most enthusiastic biographer puts it, ' his whole talent and genius were far more adapted to the gravity and decorum of the House of Lords. . . . As Speaker for twenty years without intermission, he presided over its debates, directed its actions, and managed the course of business with dignity and wisdom, with unruffled temper and composure and with consummate tact and expedition.' [3] From a purely decorative point of view Hardwicke was supremely well fitted for his position on the Woolsack, for he was extremely handsome

[1] *Lives of the Lord Chancellors*, vol. v, p. 1. In another place, speaking of his great services to the development of the system of English equity, he writes : ' Viewed as a magistrate . . . I believe that his fame has not been exceeded by that of any man in ancient or modern times,' p. 43.

[2] Newcastle writes as early as 1739 : ' Every man in the H. of Lords now knows that yours is the sense of the King's administration, and that their interest goes with their inclination when they follow your Lordship.' Yorke's *Hardwicke*, vol. i, pp. 229–30.

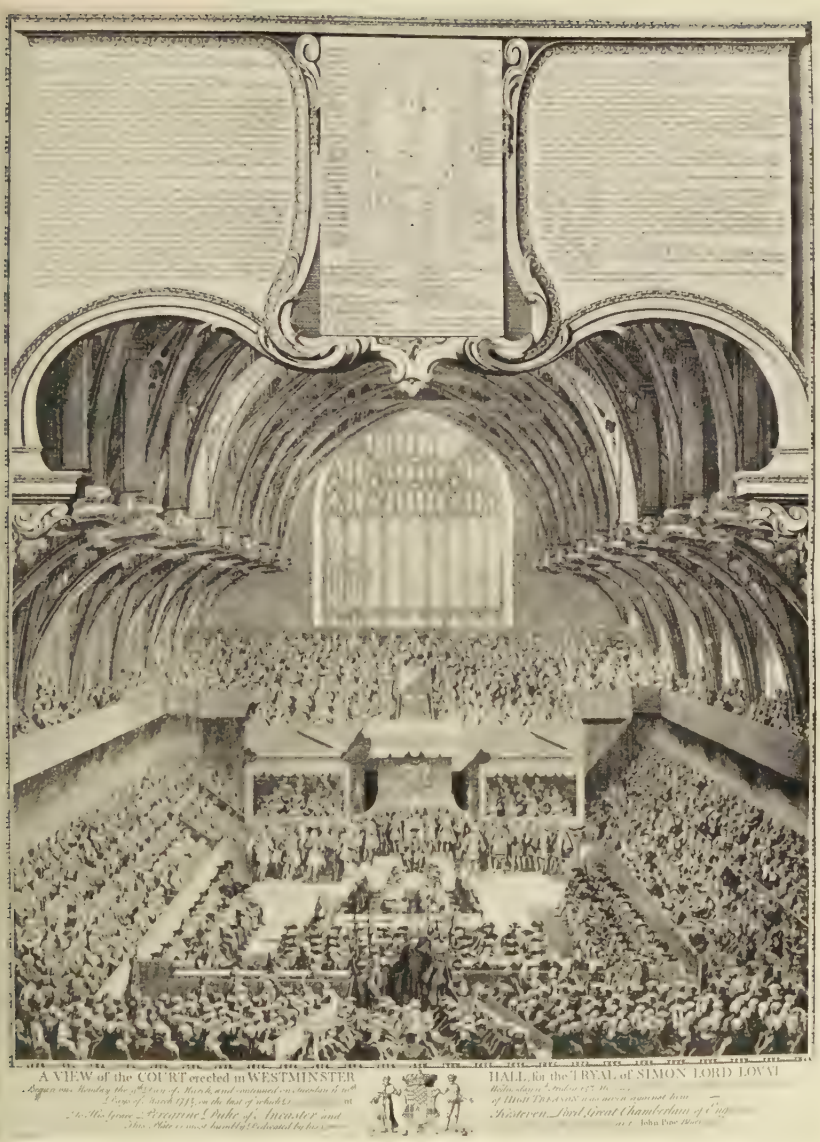
[3] See the whole of this encomium in Yorke, *Life of Hardwicke*, vol. i, pp. 120–1, and cf. the even more eulogistic and highly coloured passage, *ibid.*, vol. iii, p. 566.

and combined a splendid presence with great natural dignity of demeanour. As an orator he was of an entirely different order from Chesterfield and Carteret. He had neither the wit of the one nor the rhetoric of the other. Some of his speeches sound ponderous, but they nearly always have weight of knowledge and argument, as well as occasional over-impressiveness of manner. His complete mastery of the legal aspects of all questions which came before the House, his experience in the law-courts, his exact knowledge of business made him a most formidable antagonist.[1] He saw to it that the legal aspect of all questions coming before the House was given due prominence, that even in its legislative capacity the House remembered that it was also the supreme court of judicature. That is the recurrent underlying *motif* of many of his speeches. The House was never allowed to forget its dignity and its immense importance when Hardwicke presided over its deliberations. But the appeal which the Chancellor made to the House was not one merely to the sense of self-importance ; it was an appeal to the exercise of a discriminating and judicial spirit. In his opinion the inferiority of the other Chamber consisted in its proneness to faction and to passion. The House of Peers, being smaller in numbers and more solemn and dignified in manner, was perhaps in fact less prone to these defects than the other, if at the price of a great tendency to lethargy. But that is not the point. The significant thing is that a consummate lawyer, in whose eyes the House was always a court, a repository of justice, acquired an extraordinary ascendancy in the House.[2]

The aftermath of the Jacobite movement of 1745 brought

[1] Cf. Campbell, *Lord Chancellors*, vol. v, p. 34. ' It may be truly said that between the attainder of Bolingbroke and the appearance there of Lord Mansfield and Lord Chatham the House of Peers presented no one who could attack and defend with more skill and success.' Cf. Harris, *Life of Hardwicke*, vol. iii, pp. 543–4. See also *Reminiscences of Charles Butler*, p. 132.

[2] The standard life of Hardwicke is that by P. C. Yorke (3 vols., Cambridge, 1913). This admirable work, with its copious extracts from the Hardwicke and Newcastle Papers, has completely outclassed the earlier biographies by Lord Campbell in his *Lives of the Lord Chancellors*, vol. v, pp. 1–173, and by G. Harris (3 vols., 1847).



THE TRIAL OF LORD LOVAT IN WESTMINSTER HALL, MARCH 1747

Hardwicke into greater prominence than ever in the House of Lords. For one thing as Lord High Steward he presided at the trials of the rebel lords, Cromartie, Kilmarnock, Balmerino, and of Lovat, the horrible and hideous old man whose attitude at his trial has been immortalized by Hogarth.[1] More important, Hardwicke was the principal author of the remarkable series of legislative measures adopted for the pacification of the Highlands. All these bills were first introduced into the Upper House in accordance with Hardwicke's view that the Chamber, by reason of the large legal element in it, should be the initiator of all important legislation. The most familiar of the new Acts was the Disarming Act, because one of its clauses was the one prohibiting the wearing of the kilt except in the army. More important was the Heritable Jurisdictions Act, which aimed at the dissolution of the clan system, of which the tartan was but a symbol. As this policy ran counter to an inherited sentiment centuries old in Scotland, Hardwicke approached the project with caution. Speaking on August 5, 1746, in the House of Lords, he proposed that the Lords of Session should take the matter in hand, and this suggestion was accepted. It was only when it was clear that no response was forthcoming from Scotland that Hardwicke introduced his own solution.

The principal discussion of the measure seems to have taken place on the second reading, when its author made a characteristic and powerful speech, in which he argued that ' the parcelling out the power of jurisdiction, originally lodged in the Crown, in this manner (i. e. in the clan system) was a wrong and dangerous model of government ', the administration of justice being in his opinion ' the principal and essential part of all government '. Such distribution of sovereign power tended to dissolve the bond of union and affection between King and people.

[1] See *State Trials*, vol. xviii, pp. 497–857. These were the first peers to be tried for high treason in accordance with the Treason Act, 7 William III, c. 3. *Statutes at Large*, vol. iii, pp. 568–70. There has been no subsequent instance of such a trial. Hardwicke's conduct at the trials was adversely criticized, by Horace Walpole in particular. See *Letters*, vol. ii, p. 221. It is defended in Yorke, vol. i, p. 564.

Chesterfield and Granville both supported the bill. It might have been expected that the Scottish representative peers would have been united and prominent in opposition to a scheme which was calculated to hurt the susceptibilities of their fellow countrymen. The attack upon the bill was indeed seconded by a Scots peer, the Earl of Moray, but it was led by an Englishman, the Duke of Beaufort. Tweeddale, Findlater, and the new Duke of Argyll [1] supported the measure, the last-mentioned strongly. He maintained that the value of all Scottish estates would be enhanced by the abolition of the clan system. He asserted that in the days before the Union the Scottish Parliament had proved impotent and the only security for personal liberty had been the laird; but now that the preservation of liberty was in the hands of the United Kingdom Parliament, there was no longer any need for the clan system. The second reading of the measure was carried by the overwhelming majority of 79 to 16; the third without a division.[2]

Another measure dealt with the clergy of the Scottish Episcopal Church, which was at this time regarded as a nursery of sedition. They were henceforth not to be allowed to exercise their functions unless they had first taken the oaths and received letters of authorization from an English bishop. Secker and some other bishops opposed this bill with vigour in committee, but they were quite overborne by the Lord Chancellor, who, as we are told, 'never made a greater figure in the opinion of all good judges.'[3] Yet another bill relating to Scotland may be considered here, though it belongs to a rather later date (March 1752). This was one for converting the estates forfeited after the rebellion into small farms. The Duke of Cumberland, at this time at loggerheads with the King, provided the Opposition with one or two insignificant instances of minor participants

[1] Archibald, the third duke, who had succeeded to the title in 1743.

[2] See *L. J.*, vol. xxvii, pp. 45, 117–18, 127; *P. H.*, vol. xiv, 51–7; Yorke, vol. i, pp. 588–96, 604–16; Brit. Mus. Political Tracts 601 e, *Two Speeches by Lord Hardwicke in the House of Lords*; *Complete Protests*, vol. ii, pp. 49–51; W. L. Mathieson, *Scotland and the Union* (Glasgow, 1905), pp. 396–7.

[3] *L. J.*, vol. xxvii, p. 233; *P. H.*, vol. xiv, 269–315; Yorke, vol. i, p. 613.

in the rebellion having been allowed to retain their holdings. These were sufficient to inflame the Duke of Bedford, who had ere this gone over to the ranks of the Opposition. Speaking, according to Horace Walpole, 'like another Pitt', he declared that he found nothing good in the bill except the title and a few words in the preamble. If favour was shown to the disaffected and discouragement to the loyal, rebellion would develop into a national malady. Hardwicke overbore Bedford as he had overborne all opposition to the other Scottish measures. His calm, luminous, if somewhat lordly, utterances contrast strikingly with the rather pettifogging petulance of the other. This bill was, he argued, a necessary supplement to the abolition of the heritable jurisdictions. By securing the dependence of small landowners upon the Crown, it would weaken the clan idea, increase loyalty, and correct the barbarism of the Highlands.[1]

The disaffection of the Duke of Bedford had been due to troubles in the Pelham Administration which culminated in the dismissal of Sandwich and the Duke's resignation. The Ministerial household after 1745 was divided, the two Pelham brothers not being in accord. The war was going badly, and there were excellent grounds for the criticism that the war policy of the present Ministers was not noticeably different from that for which they had turned Carteret out of office. This was the point of view of Opposition speakers in a debate on May 2, 1746, on a motion of the Earl of Oxford[2] for an address against the further prosecution of hostilities. Ministers were accused of pure Hanoverianism; of indulging in vain military efforts in Flanders and neglecting our naval strength. The attempt to curb the exorbitant power of France was described as 'wasting our last penny in romantic dreams'. Similar views were expressed in the Commons, but the Peers' 'language on this occasion was far more inflammatory than that of the members of the Lower House'.[3] Peace was negotiated at Aix-la-Chapelle in 1748, the Duke of New-

[1] *L. J.*, vol. xiv, pp. 683–4, 691, 696; *P. H.*, vol. xiv, 1235–70, esp. 1235–40 *n.* from Hardwicke's own notes; *Hardwicke Papers*, Add. MSS. 35877, ff. 78–86; Coxe, *Pelham Administration*, vol. ii, pp. 214–16; Walpole, *Letters*, vol. i, p. 87.

[2] Edward Harley, the third earl.

[3] *P. H.*, vol. xiii, 1407–13; Coxe, *Pelham Administration*, vol. i, p. 313.

castle actually braving the perils of the North Sea in order to get the credit of it for himself. During the peace negotiations and still more in 1749 and 1750 Newcastle was full of complaints of the Bloomsbury Gang, more particularly of Bedford himself. What to Henry Pelham appeared to be mere jollity and boyishness was in Newcastle's opinion inexcusable idleness.[1] In November 1750, on his return from the Continent, Newcastle was more averse to the Gang than ever. 'He smothered the Duke with embraces at their first meeting, and has never borne to be in the same room with him since.'[2] In June 1751 Sandwich was dismissed from the Admiralty and Bedford at once resigned his Secretaryship. These two straightway attached themselves to the Opposition, which enjoyed the patronage of the Duke of Cumberland. Bedford and Sandwich were stalwart enemies to encounter in the House of Lords, and their following in the Commons was by no means inconsiderable.[3] Incidentally, the King was displeased at their dismissal, for Bedford was *persona grata* with him. This mischief was, however, largely repaired when Newcastle induced Granville to enter the Ministry—for the King loved Granville more than the lord of Woburn, and Granville was more than an equivalent for Bedford and Sandwich as a debating asset in the House of Lords.

These Ministerial changes followed hard upon the passage of a troublesome measure, which was necessitated by the sudden death of Frederick, Prince of Wales, on March 20, 1751. The new heir apparent being only ten years of age, a regency was necessary. The natural candidate for the regency was Cumberland, but as he had been patronizing the errant Bedfords and seemed to have adopted the Prince of Wales's role at Leicester House, the Pelhams would have none of him. They preferred to make Frederick's widow, the Princess Augusta, regent, and to appoint for her assistance a council of regency, with Cumberland as its president. A Regency Bill framed on these lines was introduced into the

[1] *Correspondence of John, fourth Duke of Bedford* (ed. by Lord John Russell, 3 vols., 1842), vol. ii, pp. xii, 81.

[2] H. Walpole, *Letters*, vol. iii, p. 22.

[3] Cf. *Diary of George Bubb Dodington* (3rd ed., 1785), pp. 100, 162.

House of Lords on May 7. The Opposition was not very effective, Bedford being laid up with gout and rheumatism, and Sandwich, who was at this time still in office and not anxious to vacate it prematurely, having obtained his patron's leave to vote for the bill throughout. The Duke's friends fought the measure principally in the committee stage, their chief contention being that the powers of the regent and of the council of regency were unduly restricted. For one thing the regent was disallowed the power of nominating bishops. Newcastle excelled himself in his defence of this inhibition, if we are to believe Horace Walpole. It showed, said the Duke with heavy raillery, that ' the first thoughts of the compilers of the bill had been directed to the security of our souls and properties '—for the Regent might not know the true characters of such divines as were recommended to her. So spoke his Grace of Newcastle, most lavish of dispensers of ecclesiastical patronage, having no misgivings whatever as to his own capacity for discerning the qualities which befit a man for preferment, as he beamed upon the ' twenty-six immortal peers, meaning his good Lords the Bishops, who he hoped would all deserve immortality '.[1]

[1] See *L. J.*, vol. xxvii, pp. 543, 553, 555, 559; Coxe, *Pelham Administration*, vol. ii, pp. 170–5; H. Walpole, *Memoirs of George II*, vol. i, pp. 116–22; *Diary of Bubb Dodington*, pp. 118–20.

An interesting achievement of this period was the reform of the Calendar (March 1751), for which Chesterfield and Macclesfield, son of the former Lord Chancellor, were responsible. Newcastle was alarmed at the idea. He ' conjured me ', says Chesterfield, ' *not to stir matters* that had long been quiet ', adding that he did not love newfangled things. *Letters*, vol. iii, p. 1424.

Chesterfield gives an interesting account of the debate in the Lords in a letter to his son. ' . . . I was obliged to talk some astronomical jargon, of which I did not understand one word, but got it by heart, and spoke it by rote like a master.' Again: ' It was absolutely necessary to make the House of Lords think I knew something of the matter, and also to make them believe that they knew something of it themselves, which they did not. . . . I was particularly attentive to the choice of my words, to the harmony and roundness of my periods, to my elocution, to my action. This succeeded, and ever will succeed; they thought I informed, because I pleased them; and many of them said that I had made the whole thing clear to them, when, God knows, I had not even attempted it. Lord Macclesfield, who had the greatest share in forming the bill, and who is one of the greatest mathematicians and astronomers in Europe, spoke afterwards with infinite knowledge, and all the clearness that so intricate

A rather dull placidity reigned at Westminster in the latter months of 1751. 'Our Parliament', writes Chesterfield in December, 'is so unanimous that the House of Lords hardly sits at all, and the House of Commons seldom sits till three o'clock.'[1] The scene became much livelier the following month. The King, ever fearful of a new war in Germany and of a consequent menace to his electoral dominions, had arranged a subsidy-treaty with the King of Poland. A debate on the treaty took place in the Lords on January 28. It was not anticipated that Bedford would oppose it, as he was still in the good graces of the King. But he on principle disapproved of arrangements of this description and he was goaded on by such enemies of the Pelhams as Horace Walpole. And so, after expressing his reluctance to criticize any act of so good and gracious a Sovereign, Bedford proceeded to scrutinize the treaty article by article, censuring it as equally useless and improvident and stigmatizing the Pelhams' partiality for German politics as 'extravagant imbecility'. Neither Polish nor Saxon troops could ever be in a position to serve British interests. Thus 'the Duke of Bedford took the treaty, and in the conclusion of his speech, the Ministry, to pieces'. Newcastle replied for the Government, according to Walpole, 'in a wild, incomprehensible speech of an hour and a quarter,' in which he represented the treaty as a piece of good insurance against the difficulties apprehended from the next imperial election. 'Lord Sandwich, then, by a most inconceivable jumble of cunning, spoke for the treaty and against the ministers.'

The explanation of this remarkable performance was that Sandwich at this time was 'the creature' of Cumberland, and the latter, while prepared to attack pretty well everything that the Pelhams did, was unwilling to offend the King too deeply by overtly attacking this treaty. The compromise of formally approving the treaty and at the same time

a matter would admit of; but as his words, his periods, and his utterance were not near so good as mine, the preference was most unanimously, though most unjustly, given to me.' *Letters*, vol. i, pp. 417–18. See also *P. H.*, vol. xiv, 979–92; H. Walpole, *Memoirs of George II*, vol. i, pp. 50–1; Ernst, *Memoirs of Chesterfield*, pp. 414–16.

[1] *Letters*, vol. iii, p. 1007.

assailing the Ministry appeared to Cumberland to meet the case. Horace Walpole says that Sandwich damaged his reputation for ability by his speech on this occasion, but that Bedford greatly enhanced his, showing himself to be ' a very formidable and able speaker '. However, his motion condemning the conclusion of subsidiary treaties in time of peace was lost without a division.[1]

In March 1753 Bedford was once more upon the war-path. Suspicions had arisen regarding the education of the Prince of Wales and the Princess Augusta's *entourage*. It was alleged that the Prince's tutors were inculcating arbitrary conceptions of the royal prerogative into the future king and were themselves Jacobites. What gave special piquancy to these suggestions was that among the persons complained of, together with Johnson, Bishop of Gloucester, and Murray, the Solicitor-General, and future Lord Mansfield, was Andrew Stone, formerly the Duke of Newcastle's indefatigable agent and secretary. A certain Whig, well known for the ardour of his political principles—Lord Ravensworth—made up his mind to have the matter thoroughly sifted. His allegations, which amounted to a charge of treason against the Prince's preceptors, were heard at length by the Cabinet, which after prolonged sittings decided that they were without foundation.[2] Here the matter would probably have rested had it not been for the zeal of the Duke of Bedford.

On March 22 in a crowded House the Duke enlarged upon this promising theme, though he received scant support from Ravensworth, who now declared that he had no wish to carry the question further. A sad business had been hushed up, declared Bedford ; the inquiry had been quite inadequate. He impugned the validity of the investigation. The whole proceeding had been irregular, secret, in accordance with the methods of the Inquisition, of the Star Chamber. What was this Council which had undertaken the inquiry ? Not the Privy Council, because its President had not been present.

[1] For the whole debate see *L. J.*, vol. xxvii, p. 633 ; Walpole, *Memoirs of George II*, vol. i, pp. 244–53 ; *P. H.*, vol. xiv, 1175–97, esp. 1175–9 *n.* (Hardwicke's notes) ; Coxe, *Pelham Administration*, vol. ii, pp. 212–14.

[2] For Stone's examination see *Hardwicke Papers*, Add. MSS. 35877, ff. 98–110.

No, it was nothing better than a mere private meeting of certain lords. This was Bedford's way of describing the Cabinet-Council, which he denounced as 'a state-expedient borrowed from France'. This attack of Bedford's upon a system which we are too prone to regard as firmly established and recognized by the middle of the eighteenth century is the most remarkable feature of the whole debate.[1]

Hardwicke defended the institution of the Cabinet, and its action in this particular case in what Walpole chooses to describe as 'hackneyed sophistries'; but they read like very sound arguments, which left Bedford no case; and indeed Ravensworth rose to say that he had been so completely satisfied with the Cabinet's decision that he himself proposed to do nothing more and that he hoped no one else would. He then abruptly left the Chamber. Bedford remained unconvinced, and, followed by four other lords, he went below the bar for a division, but, finding that no one else showed any inclination to support him, he relinquished his purpose.[2]

The year 1753 is most memorable for the passing of the Marriage Act, which remains in substance the marriage law of to-day. Hitherto there had been no civil law of marriage. The scandalous conditions which Hardwicke's great measure sought to rectify are notorious; they form the plot of half the romantic fiction of the century—the lucrative operations of those usually infamous chaplains, most of them prisoners for debt in the Fleet, who gave that neighbourhood its reputation for numerous and speedy weddings, especially when drunken and frolicsome soldiers and navy-men were about; the more sedate, more respectable, but no less strenuous activities of the Rev. Alexander Keith of the Curzon Street chapel; the frequent runaway marriages at Gretna Green and elsewhere. Hardwicke's Bill aimed at putting an end to this anarchic condition of things by requiring either the calling of banns in the parish church

[1] See Mr. Temperley's article on the 'Inner and Outer Cabinet, 1699–1783' in *E. H. R.*, vol. xxvii, pp. 691–2.

[2] See Coxe, *Pelham Administration*, vol. ii, pp. 236–3; Yorke, vol. ii, pp. 47–9; Walpole, *Memoirs of George II*, vol. i, pp. 289–332. Walpole is our chief informant. He seems to give the facts correctly, but his animus against the Pelhams must be borne in mind.

or a special licence, which, in the case of minors, could only be obtained with the consent of parent or guardian.

The most reasonable criticism of this measure would have been that it was something less than just to Nonconformists ; the criticisms actually levelled against it scarcely mentioned this one legitimate grievance and were of the wildest description. They are to be found in that extraordinary novel by John Shebbeare entitled *The Marriage Act*, a work of fiction composed solely for the purpose of discrediting the Act. ' The Liberty of Youth is by this fairly brought to an end ', declares the author. ' It is a law for the breeding of wolves, and slaughtering of lambs.' [1] One of the characters in the tale declares that it will lead to universal adultery. The work is dedicated to the Duke of Bedford, because he had been pre-eminent among those of ' our Nobility and Gentry, who spoke nobly in defence of Virtue, Innocence, Youth, Beauty, Religion, and their Country '.

The bill was introduced into the Lords on March 19, received its second reading ten days later and its third on May 4. Its most virulent opponent was the pertinacious Duke of Bedford. He denounced it ' with great spirit and mastery ' as an obstruction to marriage, an injustice to Roman Catholics and Protestant Dissenters, a measure beyond the powers of the legislature, contrary to the Gospel, and tending to increase the power of the Court of Chancery. In the Commons there was an equally violent attack delivered by Henry Fox, who had personal reasons for defending clandestine marriages, having himself contracted a very famous one with Lady Caroline Lennox, daughter of the second Duke of Richmond, and Charles Townshend, who in the debates on this bill laid the foundations of his brilliant House of Commons reputation. That the calling out of the banns in church was indelicate, that a month was too long to have to wait for matrimony, that it was a hardship to prevent younger sons from running off with heiresses—this sort of talk does not sound to modern ears like serious argument. Nor does the suggestion that the Lords, in introducing such a measure in their Chamber, were acting as the oppressors of the people.

[1] John Shebbeare, *The Marriage Act* (2 vols., 1754), vol. ii, pp. 300–25.

Yet this contention was made in the House of Commons, and it is a favourite with Dr. Shebbeare, who sees in the Act a dark oligarchical conspiracy.

The Commons in the end passed the bill (126 votes to 56) and returned it to the Lords with several unimportant amendments. Bedford launched another assault upon it and endeavoured to go over the whole ground again *ab initio*, till brought up by the Lord Chancellor with the reminder that he must confine himself to the amendments. Bedford appealed to the House against this ruling in vain. Hardwicke, who had been most vehemently attacked by Fox in the Lower House, made a very spirited rejoinder. Fox had indeed subsequently withdrawn some of the opprobious epithets he had hurled at the Chancellor in his diatribe. This had not mollified Hardwicke. ' I despise the invective ', he exclaimed in a well-known phrase, ' and I despise the retractation ; I despise the scurrility (for scurrility I must call it), and I reject the adulation.' Horace Walpole described the Chancellor's own speech as ' the most outrageous invective . . . that ever was heard '. But Horace Walpole was at this time identified with the Bedford crew and with the Duke of Cumberland, who bore the Chancellor a grudge for his authorship of the Regency Act.[1]

While in the case of the Marriage Act the Government succeeded in carrying their measure in the face of an irrational outcry, they allowed themselves to be overborne by an equally insensate popular feeling in connexion with another enlightened piece of statesmanship. In 1751 Pelham had made an unsuccessful attempt to encourage the immigration of foreign Protestants ; in 1753 he tried to naturalize the Jews. A bill to enable Parliament to naturalize any Jew who applied for it was actually pushed through Parliament. In the House of Lords, where it had the support of the

[1] For these proceedings see the following : *L. J.*, vol. xxviii, pp. 54, 66, 98, 112–13 ; *P. H.*, vol. xv, 1–86, esp. 84–6 *n.* ; *Hardwicke Papers*, Add. MSS. 35877, ff. 112–23 ; *Parliamentary Papers of C. Yorke, 1742–68*, Add. MSS. 35880, pp. 1–168 ; Coxe, *Pelham Administration*, vol. ii, pp. 264–9 ; H. Walpole, *Memoirs of George II*, vol. ii, pp. 336–53 ; *Letters*, vol. ii, pp. 333–4 ; Sir G. O. Trevelyan, *The Early History of Charles James Fox* (Nelson's ed.), pp. 24–8 ; Yorke, vol. ii, pp. 58–76.

majority of the bishops, it passed without much trouble, opposed, however, by Bedford. In the Commons there was considerable evidence of anti-Semitism. Nevertheless the bill passed. This was in May 1753. Six months later the Government decided upon its repeal, so fanatical had been the popular feeling against it. Besides, a general election was in prospect, and the Ministry did not relish the prospect of facing it with the populace thus incensed. The reason they themselves gave was that owing to the ferment, which Horace Walpole describes as ' a Christian zeal which was thought happily extinguished with the ashes of Queen Anne and Sacheverell ', the Act was bound to be inoperative, as no Jew would dare to seek to take advantage of it, while their position was in this worse than before, that they were liable to suffer from the frenzy of the mob.

On November 15 Newcastle had the invidious duty of bringing in the Repeal Bill. Rigby, one of the chief of the Bloomsbury Gang, reported to Bedford his patron that Newcastle was ' better than usual for brevity, and worse than ordinary for confusion. . . . His arguments, which, indeed, it is great presumption ever to pretend to understand, seemed all to tend for the bill he meant to repeal.' He was seconded by the Bishop of Oxford, in ' a miserable sermon of three-quarters of an hour, which he told us was preached at the request of his brethren upon the same bench . . . strongly in support of the bill itself, and ending with his reason for repealing it being in aid of weak and misguided consciences '. The tone of the opening speeches was such that subsequent speakers were justified in the gibe that they had advanced far more argument against the repeal than in its favour. Lord Temple [1] in a few brief words expressed his amazement at the motion. He had always paid regard to the voice of the people, but never to its mere clamour. The voice of the people was not always the voice of God ! He, ' with his accustomed warmth . . . grew zealous for the honour of a Ministry which he wanted to censure.' It was contrary to the dignity of Parliament to pass a measure in one session and repeal it in the next. Hardwicke made the best possible

[1] Richard Grenville-Temple, Earl Temple, 1711–79.

case for the repeal upon grounds of expediency. The Jews had the protection of the country's laws, even if not naturalized ; the present clamour would only drive them out altogether. He believed the present state of feeling to be no mere transitory ebullition ; it was only the promise of repeal that kept it at all within bounds. This bill was the one handle the enemies of the Government had to use against it ; take it away, they had nothing. There spake the mere party manager, revealing his true mind ! Bedford, supporting the repeal, expressed the most intolerant principles. He maintained that by our common law no one could be reckoned a natural-born subject of the realm so long as he remained a Jew. He feared Jewish absorption of property and influence, leading to political domination : for ' this island flows as much with milk and honey as Canaan ever did ' With upholders and opponents of the original measure both, from their different points of view, supporting its abrogation, the Repeal Bill passed without difficulty.[1]

On March 6, 1754, Henry Pelham died. ' Our tranquillity, both at home and abroad ', says Waldegrave, ' expired with him.' [2] The event is important in the history of the Whig ascendancy and of the House of Lords. Newcastle had not always seen eye to eye with his brother, but on the whole the fraternal partnership had worked well. In the Pelham Administration the oligarchical government of the country by Whig connexion reached its zenith ; it had become a little family monopoly. With his brother quite competently taking charge of the business of the House of Commons, the Duke of Newcastle had been able, with the valuable assistance of his coadjutor Hardwicke, to guide his own Chamber in the way it should go, and by a skilful manipulation of Treasury influence and the family patronage to contrive that the other Chamber was of the requisite composition and behaved in a reasonably tractable manner. But now this

[1] For the Jew Naturalization Repeal Bill see : *P. H.*, vol. xv, 91–118 (Lords' debates), 118–63 (Commons' debates) ; *Bedford Correspondence*, vol. ii, pp. 138–40 ; H. Walpole, *Memoirs of George II*, vol. i, 357–64 ; Yorke, *Life of Hardwicke*, vol. ii, pp. 54–8 ; Bubb Dodington's *Diary*, pp. 254–5 ; *Bill permitting the Jews to be Naturalized*, Brit. Mus. 4525, f. 5.

[2] *Memoirs*, p. 16.

simple and beautiful fabric of symmetrical government had collapsed, and the Duke, who had been ready to share his power with a brother, found it hard indeed to share it with anybody else. Yet some one there must be to lead the House of Commons. Ordinary prudence and common sense suggested the desirability of enlisting a man of outstanding influence and ability. But Newcastle hated the very idea of combining forces either with a man of strong personality or one who owed his consequence to membership of another 'connexion'. 'The Whigs', wrote Waldegrave, 'may aptly be compared to an alliance of different clans, fighting in the same cause, professing the same principles, but influenced and guided by their respective chieftains.'[1] It is notorious how Newcastle at first pitched upon the incompetent Sir Thomas Robinson, and how the latter was pulverized by Pitt, and how in November 1755 the Duke was eventually compelled to capitulate to Fox.[2]

The capitulation was due to troubles regarding foreign policy. Well-justified fears of a new struggle on the Continent had sent George II post-haste to Hanover to devise means for its protection, and the upshot was the conclusion of a convention with Russia for the co-operation of a Russian army in the event of an attack on the electorate, and a subsidy-treaty with Hesse-Cassel for the hiring of 6,000 mercenaries. The real tussle came with the reassembling of Parliament in the autumn. In the debate on the address the treaties came up for general discussion. There had been much feverish activity during the recess. Negotiations had been carried on between Newcastle and Pitt, with Hardwicke as intermediary. But these had proved abortive. A powerful opposition to the treaties was, therefore, a foregone conclusion. Newcastle had made efforts to strengthen himself. The accession of Fox had been followed by the bringing over of a number of the prominent members of the 'Bloomsbury gang', who were his personal friends, but not Bedford him-

[1] *Ibid.*, p. 20.

[2] These events are brilliantly described in Macaulay's first essay on Pitt. See also W. Riker, *Henry Fox, first Lord Holland* (2 vols., Oxford, 1911), vol. i, pp. 144–56, and chaps. iii, iv, and v; B. Williams, *Life of Chatham*, vol. i' pp. 218–37, 280–5; Von Ruville, *Life of Chatham*, vol. i, pp. 347–91.

self. Newcastle was well satisfied with the prospect, and thought his forces were more than ample to cope with Pitt and his Grenville allies.[1] Parliament met on November 13. The address contained an assurance of the country's doing its utmost for the safeguarding of Hanover. While Bedford 'decently and handsomely excused his approbation of them', Temple, 'the incendiary of the new Opposition', supported by Lord Halifax, protested against the treaties. The assurances regarding the electorate inserted in the address it was not fit for the House to give. Attention to his electoral dominions was in the sovereign patriotism, but it was 'encouraged and cherished by ministers to make their court'. Hanover was sufficiently protected as a member of the Germanic polity; he feared lest we should be diverted from our true spheres of operation, the sea and the colonies, by the idea of maintaining a position on the Continent, which was but a phantom.[2]

There was no division in the House of Lords, and the fight made by Temple was altogether feeble in comparison with Pitt's. As Horace Walpole puts it, 'the clouds that only overcast the House of Lords were a tempest in the Commons.' Times were changed since the big attacks on Walpole's foreign policy. Then the culprit had been in the Lower House, his most formidable assailants in the Lords; now the position was reversed, the culprit was a Duke, his only dangerous foeman a 'great commoner'. In neither case were the protagonists brought face to face. While in debate after debate Pitt continued his violent diatribes against the Minister and his foreign policy, contemporaries paid but scant attention to the proceedings in the other House, and we need pay no more. The treaties were produced for the Peers' edification by Lord Holdernesse,[3] the Secretary of State for the northern department, and Temple duly denounced them as 'entered into without the advice of Parliament, . . . unconstitutional, derogatory from the honour of the country'. He

[1] *Newcastle Papers*, Add. MSS. 32860, f. 13.

[2] See *L. J.*, vol. xxviii, pp. 426–7; *P. H.*, vol. xv, 529–32, esp. 529–31 *n.*; H. Walpole, *Memoirs of George II*, vol. ii, pp. 46–9.

[3] Robert D'Arcy, fourth earl.

complained bitterly on more than one occasion that the Peers were not being given sufficient time for their thorough consideration, and especially assailed the Chancellor as the offender.[1]

The principal debate took place on December 10 when, according to Walpole, Temple made ' a very long and very indifferent speech, in which there was nothing remarkable but his saying, *that we were become an insurance-office to Hanover* '. The burden of his complaint seems to have been that at the end of the late war we had been almost reduced to bankruptcy, that the sort of measures we took were such as positively to provoke France to attack Hanover. Halifax is credited with having ' called the present the most expensive funeral of our expiring country that ever was furnished by a rash undertaker ', and with having argued that an alliance with wild American Indians would have been much more useful than one with Hanover, as well as being a great deal cheaper. Chesterfield and Hardwicke defended the policy of the treaties. If we, argued the former, attacked France by sea where we had the superiority, she was sure to retaliate on land, where she was superior—and that meant an attack upon Hanover, which as our ally we were under an obligation to help to defend by raising as strong a continental confederacy as possible. Hardwicke severely trounced Temple, who was most unpopular with the House as a whole, declaring that there was nothing whatever provocative about the subsidy-treaty. The defence of Hanover was our own defence ; we agreed to protect her only if she were attacked on account of a British interest. A commercial country could not completely dissever itself from continental affairs, and if a continental war broke out, what were we to do about it ? We could not send troops of our own ; therefore we must send others.[2]

To the conundrum thus propounded, and thus answered by Hardwicke, Pitt returned a very different answer. He preached the duty and the glory of true self-defence. Apart

[1] See letters of Rigby to Bedford, Nov. 25 and Dec. 4 respectively, *Bedford Correspondence*, vol. ii, pp. 172–3.

[2] See *P. H.*, vol. xv, 616–60, esp. 617–18 *n.*, 643–7 *n.* (Hardwicke's notes) ; Walpole's *Memoirs of George II*, vol. ii, pp. 103–5.

from all other considerations subsidy-treaties were demoralizing to a great nation. The native strength of the country must be mobilized; the ancient militia, for long in a moribund condition, resuscitated. He entered with great enthusiasm into George Townshend's scheme for raising over sixty thousand men, officered by the landed gentry, to be drilled every day of the week, liable for service abroad in case of emergency. A bill, framed on these lines, after great efforts on the part of its progenitors, passed through the Commons.[1] But Ministers were opposed to it, and they looked forward with equanimity to defeating it in the Upper House.

It seemed at first as though the bill was going to be allowed to pass in the Lords as it had in the Commons. It received its second reading on May 18, 1756. Bedford spoke strongly in its favour. 'Newcastle did oppose it, but faintly, with Lord Granville and Lord Sandys, and suffered it to be committed.'[2] It was well supported in the committee-stage by Halifax; Temple dared Ministers to throw out so excellent a plan. Despite warm opposition from Granville it emerged from committee without a single division.

The struggle came with the third reading. The intending wrecker had so far not even shown his hand. Earl Stanhope opened the debate. We needed a supplement to our standing army. There was a prospect of Europe's becoming so completely embroiled that no Power would have any mercenaries to hire out, so that we should be forced to rely upon our own resources. 'If the Bill passed, he would accept of any commission, however low, and never retreat from any enemy, so help him God!' As he began with an oath, he ended with a prayer.[3] Granville stoutly opposed the bill, as he had done consistently during its progress, 'declared it was a hot day, he would not overheat himself, nor the Lords; the bill was impracticable nonsense, a shoeing-horn to faction'; he had disliked it too much to suggest any amendment. He believed in fostering the martial spirit in the manhood of the

[1] See C. M. Clode, *Military Forces of the Crown* (2 vols., 1869), vol. i, pp. 38–40.

[2] Walpole, *Memoirs of George II*, vol. ii, p. 201.

[3] *The Grenville Correspondence* (4 vols., 1752), vol. i, p. 160.

nation; he did not believe in baldly enacting that so many men in each district should be made into soldiers. The scheme was like throwing a mere twig to a dying man. By grasping at its feeble support he might be drowned, his eye being caught by a mere nothing, so that he failed to notice the stout rope thrown from the shore. Granville had spoken about a rope, remarked Bedford, but where was it? This bill might be but a little twig; nevertheless, nurtured in the soil of patriotism, it would produce actual armed men. He personally had never believed in a standing army. Men living under another code than the common law of England could scarce be accounted Englishmen. He did believe in universal liability to military service. Granville had spoken of the martial spirit; this proposed enactment was instinct with it.

Then rose the Lord Chancellor to deliver a sledge-hammer blow against the bill. He found all manner of things to dislike in it. Granville, who 'always strongly asserted the dignity of his own House of Parliament against the other', had observed that the fact of the bill's having been approved by the Commons in no way recommended it to him.[1] Now Hardwicke explained that the very fact of the measure's having originated with the Commons told against it in his eyes. This argument was typical of Hardwicke. Bills always used to start in the Upper House, he said, and it is clear he considered they still ought to do so. The judges were in the House of Lords and they could give expert information as to whether a new law was needed at all. It might well be that the amendment of an existing statute would be a more satisfactory proceeding. After all the Lords were summoned 'ad consulendum', the Commons merely 'ad consentiendum'. Here was a bill being sent up at the very tail-end of the session. This practice had been growing; it was high time to put a stop to the abuse, 'and their Lordships should refuse to pass any bill which came up to them too late to examine it maturely and with the assistance of the judges.'

Hardwicke passed on to consider specific defects in the text of the bill. There was a clause requiring the King,

[1] H. Walpole, *Memoirs of George II*, vol. ii, p. 201.

before proceeding to use the new militia force, to acquaint Parliament with his intention of doing so. He had never been reckoned a prerogative-lawyer, but he would never consent to the lessening of the prerogative. He perceived a jealousy of the Crown latent in this bill. Apart from that consideration, this limitation rendered the militia useless in emergency—for example, in case of civil disturbance. This was the one use of the military in which the Lord Chancellor did most heartily believe ; he had a mortal horror of riots ! He next took exception to the fact that the execution of the Act was placed largely in the hands of the land-tax commissioners. He professed to take the gravest view of this stipulation, because these officials were never peers. Giving them this new authority would overset the delicate balance of the constitution, and the scale of power in our government was already leaning too heavily on the democratical side. He disapproved of the ' military habit ' which would be produced by the maintenance of a large militia. The general encouragement of musketry would go far enough towards inculcating a martial spirit. The prosperity of the country since the days of the Tudors had been due to the transformation of the nation from a community of fighters into one of traders and artisans. The evils of the military habit were discernible in Scotland, where it had diverted the minds of the people from labour to sport and thieving. Protect your merchants and workers by the rampart of a regular army ; do not contaminate them by a military training, which is productive of idleness and the love of plunder. In twelve years this bill, if it became law, would saddle the country with 300,000 men who had received military training. Incidentally, this was more than the finances of the country could stand. But the really serious question was—how could such a multitude, bred to arms and idleness, be weaned back to industry ? Finally, with unctuous piety the Chancellor protested against the proposal in the bill to have drills on Sunday. What an indecent profanation of the Sabbath, the holy day transmogrified into a fair ! [1]

[1] For the debate generally see *P. H.*, vol. xv, 706–69 ; *Hardwicke Papers*, Add. MSS. 35877, ff. 259–354. For Hardwicke's speech, *ibid.*,

The subsequent speeches in the debate—those of Newcastle, Temple, Bath—were of little account. The oracle had already spoken. The measure stood condemned, and an obedient House duly rejected it by 59 votes to 23. Hardwicke's speech is interesting in two different ways—first, as an illustration of that strong anti-military bias, very common in England throughout the century, of which the annually recurring Mutiny Bill could be relied upon to produce a manifestation ; secondly, as a characteristic specimen of the Lord Chancellor's methods in the House of Lords and a notable indication of the extent of his influence over it. His whole political philosophy is summed up in the speech. Law-making can only be efficient so long as it is carried on under the auspices of those experts who have knowledge of the existing law. Such experts are to be found only in the House of Lords. Therefore, the House of Lords ought to be the initiators of all legislation and be guides to the House of Commons, just as the Peers themselves should submit to the guidance of their own legal advisers. It is no wonder that there was little love lost between Hardwicke and Pitt.

It is worthy of record that the Militia Bill reappeared in the House of Commons in 1757 and was again sent up to the Lords. This time, instead of being flatly rejected, it was amended in accordance with the Chancellor's ideas. The number of men was reduced by nearly half, the obnoxious land-tax commissioners disappeared, their places being taken by the lords-lieutenants, who were invariably peers—there was to be no Sunday training, the force was to be liable in emergency to be called out by royal proclamation and without parliamentary sanction. Lord Hardwicke had his way in every particular.[1]

Long before the Militia Bill had become law in this altered

293–302 ; Brit. Mus. Political Tracts 601, *Two Speeches of Lord Hardwicke in the House of Lords*, pp. 43–67, and the two versions given in *P. H.*, 724–46, 724 *n.*–740 *n.* There is but little correspondence between the version printed on his own authority and that given in the *London Magazine*. It is instructive to compare the two in *P. H.*

[1] See Yorke, *Life of Hardwicke*, vol. ii, p. 266. When the scheme was put into practice it had disappointing results. It proved difficult to raise anything approaching even the more modest numbers aimed at in the measure as eventually adopted.

shape the Newcastle-Hardwicke combination had been brought to an end. The military and naval efforts of Great Britain during the year 1756 were lamentable failures. The most signal disaster was Admiral Byng's failure to relieve Port Mahon. Newcastle was sensitive to all sorts of criticism ; but he now heard a note more dreadful than he had ever heard before. To be attacked because of his monopoly of political power had even been flattering. When, for example, Pitt had called upon the House of Commons to unite together to resist bribery lest they should ' degenerate into a little assembly, serving no other purpose than to register the decrees of *one* too powerful a *subject* ', it was quite gratifying to be thus likened to Sir Robert Walpole. But now the execration of multitudes was about his ears ; he saw lampoons and doggerel ballads, in which he was scurrilously defamed, being sold at every street corner ; he knew what it felt like to be pelted by an angry mob. He was held up to contumely and derision as utterly incompetent. Pitt smothered his name in ridicule—called him a child in a go-cart at the edge of a precipice. His one idea was the utterly base one of saving his own reputation by fastening every particle of the blame for the Minorca disaster upon the unfortunate Byng. His letters to the faithful Hardwicke at this juncture—his moans, his self-exculpations, his expostulations, his appeals for sympathy, make pitiful reading.[1] And he was being deserted. In June the Lord Chief Justiceship of the King's Bench had become vacant. Murray insisted upon his right to it. Newcastle begged him to remain to support him in the Commons ; but Murray was obdurate. He had to be allowed to betake himself to the House of Lords as Baron Mansfield. The finishing touch came when Fox made up his mind that it was high time to abandon the sinking ship and resigned, in spite of all protestations, on October 14. There was now no question about it—Pitt had to be included in the Ministry, and Hardwicke opened up negotiations. A serious hitch at once appeared. Pitt refused to act with Newcastle. In the state of public feeling this left only one course open, and on November 19 the Duke resigned.

[1] See, for example, the letters in Yorke, vol. ii, pp. 289–90, 306–7.

It is typical of him that he could not face the prospect of going out into exile alone. His dear colleague must come with him. Writing on November 2 to Hardwicke to acquaint him with his decision to send in his resignation, he must needs add, ' My dearest Lord, it would hurt me extremely if yours should be *long* delayed. I submit the particular time entirely to you, grateful for it whenever it shall happen.' [1] It was a notable event in English history when these two were overthrown by a statesman who had only sixteen men at his back in the House of Commons. Newcastle's political system had seemed to be staunchly buttressed upon the solid supports of Hardwicke's personal ascendancy in the House of Lords, and his own control by means of patronage and the arts of electioneering, over the personnel of the House of Commons. Yet was the force of public opinion, embodied in the person of William Pitt, able to make this the first breach in the fortress of the Whig oligarchy.

[1] See *ibid.*, pp. 334–5.

CHAPTER X

THE FALL OF THE WHIG OLIGARCHY

ONCE more a great House of Commons man was the chief Minister of England; but there was a vital difference between Walpole and Pitt. Walpole felt no hostility towards the aristocratic cliques, had no objection to Newcastle or to the system which Newcastle represented—indeed in large measure owed his personal ascendancy to the prevalence of that system. Pitt, on the other hand, had a popular creed, stood as the sworn foe to 'government by connexion'. That, however, did not mean that he could dispense with the connexions, and it did not take long for him to realize that he could not even dispense with Newcastle. Under the political conditions of the eighteenth century the people's idol could govern effectively only so long as he was in alliance with the oligarchy.

The nominal head of the new Administration was William Cavendish, fourth Duke of Devonshire. The first Duke has a permanent place in English history because he was one of the most prominent supporters of William of Orange in 1688. The second Duke was of little note—devoted to his pictures, his medals, his horses—more of a jockey than a politician. The third Duke was even less distinguished. Nor was the fourth a man of outstanding gifts. He was neither particularly able nor at all ambitious, but he was universally respected; and as the head of the Cavendishes, he was, as the Princess Amelia termed him, 'The Prince of the Whigs.' Other peers in the Administration were Granville and Bedford, Holdernesse and the second Earl Gower. Holdernesse was a man of mediocre attainments, who had acquired some diplomatic experience at Turin and at the Hague. In public he wore a particularly solemn demeanour, but in private life he was chiefly remarkable for a great fondness for masquerades, operas, and blind-man's-buff. Gower, still a young man at this date, was a brother-in-law of Bedford. He was the most respectable of the 'Bloomsbury gang', and

it is worthy of note that whenever in later years other connexions entered into negotiation with the Bedford faction, they usually made their approaches through Gower.[1] Another member of the Administration was Pitt's brother-in-law, Earl Temple.

Pitt was throughout his career so defiantly the enemy of the Whig connexions that it is very necessary to remember that he himself belonged to one of them. It was not indeed one of the most important—though that was far from being the point of view of, at any rate, one of its members—but it was a family coterie none the less, with several of the characteristic qualities of the Whig oligarchs. Pitt's greatest friend at Eton had been George Lyttelton, the nephew of Richard Temple, the first Lord Cobham, and it was Lord Cobham who started Pitt upon his public career as a cornet in the King's Own Regiment of Horse, best known after its Colonel as Cobham's Horse. Cobham had a notable career in Queen Anne's wars, having commanded the military arm in the Vigo expedition of 1702 and specially distinguished himself at the siege of Lille in 1708. In 1723 he had been created governor of Jersey for life. Residence in the island being quite superfluous according to current notions of such perquisites, Cobham amused himself by attacking Walpole in the House of Lords. He was rather a queer mixture. A bluff, jovial, hard-drinking, and thoroughly coarse-minded professional soldier, he was also a patron of the arts, the friend of Congreve, Pope, and Gay. He had a keen eye for splendour, loved to entertain sumptuously, and spent a great deal of money on the elaboration of his gardens at Stowe, where he employed the celebrated landscape gardener, Lancelot Brown. But his chief fame lies in the fact that he took pleasure in patronizing the efforts of the Boy Patriots in Parliament, of his clever nephews, George Lyttelton and Richard and George Grenville, and their brilliant friend, the young Pitt, Cornet of Horse. The Grenvilles and Lyttelton were commonly known as the 'Cobham Cousinhood', and the little band of young patriots as 'Cobham's Cubs'.[2] It is

[1] For Gower's career see *D. N. B.*, vol. xxxiii, pp. 148–9.

[2] For Lord Cobham see *ibid.*, vol. lvi, pp. 38–9.

true that Pitt, who entered parliamentary life as an associate of this family connexion, was often in later life alienated from its members ; nevertheless the connexion affected his entire career.

Cobham's fortune and his title passed on his death to his sister, Countess Temple in her own right, the mother of the Grenvilles. George, who was never a member of the House of Lords, is famous as the conscientious pedant, whose Stamp Act led to the breach with the American Colonies. Richard, the eldest of the family, when his mother died succeeded to the earldom and the broad acres of Stowe. Later on the estates of old Lord Melcombe (best known as Bubb Dodington) passed to him, and he is said to have become the wealthiest man in England. He was all his life ambitious to attain the only title commensurate with his estates and his own conception of his inherent importance, viz. a dukedom, but he was disappointed. Temple was of notoriously unprepossessing appearance, as his nickname ' Squire Gawky ' indicates. An ill-natured writer in the *Morning Chronicle* of 1770 says baldly that ' the external form of this nobleman discovers nothing to his advantage. . . . Length, without shape or proportion, and a countenance in which the most penetrating eye perceives no expression. . . . Nature seems to have thrown him into existence in one of her moods of frolic, and to make him more conspicuous, she has given him rank.' [1] Unpleasing to look upon, he was most unattractive in character. It is true that Lord Shelburne, essaying an unbiased judgement, calls him ' one of the most affable of men ', and speaks of his society as being ' cheerful and *débonnaire* even to boyishness ', but it appears that he was ' caressing to his inferiors '. If that was intended as a compliment in the eighteenth century it does not sound like one nowadays—and pride, ostentation, and niggardliness remain as Temple's outstanding characteristics. If Stowe was one of the finest palaces in Europe, it was partly because of his parsimony in other directions. Pride was his ruling passion. It rose to insolence. He demanded a high degree of deference from the members of his family and from his dependants,

[1] See *Grenville Corr.*, vol. iv, p. 514 *n.*

though he made no attempt to show them kindness or generosity.[1] No member of the Whig aristocracy lorded it more truculently over his own neighbourhood, and the Grenville clan was cordially hated in Buckinghamshire.[2]

The aggrandizement of himself and his family was his devouring ambition. He always had in his mind's eye the delectable picture of an Administration which should consist of the Grenville connexion, with himself at the head of it. Pitt he found useful in so far—and only so far—as his glory threw lustre over the Grenvilles.[3] The relations between the brothers-in-law, therefore, were not always of the easiest. It was difficult to satisfy Temple on any terms which left Pitt clearly the more powerful. Unhappily Pitt sometimes showed an unaccountable determination to have his impossible brother-in-law as a colleague, even though George III loathed both the Grenvilles devoutly. Never achieving the sensational success to which he considered himself justified in aspiring, Temple was all his life a disappointed man—factious and splenetic.[4] Quite a plausible attempt has been made to prove that he was Junius, and it is at least tolerably certain that Junius derived from Grenvillite sources much of his information and not a little of his venom.[5]

It was thought in his young days that Lyttelton would prove the most distinguished of Cobham's Cubs; in his maturer years he showed that these anticipations had had no foundation. He was a person of the most exemplary character, of complete integrity and earnest religious conviction. Intellectually he was quite commonplace. He had indeed some literary pretensions, and his name will be found

[1] Lord E. Fitzmaurice, *Life of Shelburne*, vol. iii, pp. 36–40.

[2] See Williams, *Life of Chatham*, vol. i, p. 202.

[3] Cf. Lord Rosebery, *Chatham, His Early Life and Connexions* (1910), p. 22. 'Now a Grenville to himself was not as other men are; he was something sacred and ineffable,' &c.

[4] See H. Walpole, *Memoirs of George III*, vol. ii, pp. 10, 359; *Letters*, vol. xi, p. 26.

[5] See *Grenville Correspondence*, vol. iii, pp. xiii-ccxxviii; also Sir W. R. Anson's introduction to *Memoirs of the third Duke of Grafton*, pp. xxxi–xxxii. Temple undoubtedly realized the power of the press. Almon, the bookseller and publicist, was very much in his service and wrote a *History of the Late Minority* largely in his vindication.

in Johnson's *Lives of the Poets*. He achieved a certain contemporary reputation as a man of letters, but subsequent generations have not troubled to acquaint themselves with his masterpieces, his poems *Monody* and *Dialogues of the Dead*—'rather effusions than compositions', as Johnson says [1]—his *Observations on the Conversion and Apostleship of St. Paul*, and his portentous *History of Henry II*, the offspring of twenty years' research and one of the most tedious historical works of any age.[2] He was a valuable friend to Pope and Thomson; Fielding dedicated *Tom Jones* to him, but he was malevolently hated by Smollett, who savagely caricatured him in the guise of Gosling Scragg in *Peregrine Pickle*. He had 'uncommon learning for a peer', ran an obituary notice in the *London Chronicle*; [3] but his knowledge was all bookish. He had no practical judgement and no understanding of human nature. Though he had experience of office—he was Chancellor of the Exchequer in 1755–6 under Newcastle—he was totally incompetent to undertake the management of public affairs, and was, as Shelburne said, 'a miserable politician.' After an ignominious career at the Exchequer Lyttelton received a barony, 'and rested from political turbulence in the House of Lords.' [4]

When Pitt took office in 1756 there were, therefore, two members of the Cobham Cousinhood in the House of Lords. Although happier in the more peaceful surroundings of the Upper House, Lyttelton made but a poor figure there. He was all his life a weakling, and he was so ill-shapen that Hervey takes a malignant delight in it—'every limb was an encumbrance, and every motion a disgrace'.[5] He had some pretensions to be an orator and could deliver a harangue, carefully prepared beforehand, graced with ornate and elaborate periods, 'in a lulling monotony,' which some

[1] *Lives of the Poets*, p. 503.

[2] As Walpole puts it, 'it neither instructed the learned nor amused the idle.' *Journals of the Reign of George III, 1771–83* (*The Last Journals*) (ed. Doran, 2 vols., 1859), vol. i, p. 259.

[3] Fitzmaurice, *Shelburne*, vol. i, p. 74.

[4] *Lives of the Poets*, p. 504; R. Phillimore, *Memoirs and Correspondence of George, Lord Lyttelton* (2 vols., 1845), vol. ii, p. 533.

[5] Hervey, vol. ii, p. 99. Cf. Churchill, 'Independence' in *Works*, pp. 415–16.

people with a liking for a turgid style of oratory admired. But his manner was heavy and didactic at the best ; he was totally incapable of speaking *ex tempore.*

The cousins had seen eye to eye in the days of Walpole, and it was the recurrent policy of Temple to unite the combination, always provided it was under his direction, for the country's welfare, but Lyttelton and Temple often differed, notably disagreeing with regard to John Wilkes, who was repugnant to the former's moral sensitiveness, but was a *protégé* of Temple.

The history of Pitt's Administrations from 1756 to 1761 is, as all the world knows, pre-eminently that of a triumphant war policy, and events at home are eclipsed by the great happenings upon the seas, in Canada, in India, and on the European continent, and as regards parliamentary affairs interest centres inevitably in the House of Commons, the arena of ' the great commoner's ' activities during his most glowing and powerful period. The first Administration was exceedingly shortlived. Disliked by the King, Pitt held his position solely through popular favour, and that by itself was not sufficient to guarantee security of tenure, with the Duke of Newcastle out of office and still powerful. For the Duke still controlled the House of Commons. Its members might be disciplined by the lash of Pitt's eloquence, but they were bondmen to the distributor of patronage and disposer of destinies.

An opportunity to get rid of Pitt was afforded by his championing of the unfortunate Byng, who was still the object of general execration, so that Pitt's chivalrous conduct lost him a considerable amount of popularity. The Court-martial, before which the Admiral was tried, pronounced sentence of death on February 14, 1757, in accordance with the twelfth article of war, recently revised in the interests of naval discipline and efficiency, as the result of the revelations regarding Mathews's indecisive fight off Toulon. The article, as revised, laid it down that the penalty for failure which was due to ' cowardice, negligence or disaffection ' was death. The Court's verdict said nothing about negligence, but as Byng had been expressly acquitted of cowardice or disaffec-

tion, it followed that negligence was his crime. Pitt and Byng's supporters held that a penal clause which bore as heavily upon mere negligence as upon gross cowardice was mistaken and unjust. Most unhappily, the question was never considered on its merits, and Byng's fate depended ultimately upon the party situation. Taking the view that Byng was being sacrificed to atone for the negligence and incapacity of the late Government, Pitt, Bedford, and Temple, who was now at the Admiralty, used their best endeavours to induce the King to grant Byng a pardon. In vain: for George held the Admiral to have been guilty of cowardice.[1]

It is at this point that the parliamentary interest of the Byng Court-martial case commences. A certain member of the Court-martial, Captain Augustus Keppel,[2] who happened to be a member of Parliament, stated in the House of Commons that he and other members of the Court would like to be absolved from their oath of secrecy, as they had something to disclose. Delighted at the possibility of securing some material argument in Byng's favour, Pitt piloted a bill to absolve the members of the Court-martial from their oath safely through the Lower House within two days. The scene of contention was to be the other Chamber.

In the House of Lords the bill was rejected, and there is no question that the man who had most to do with producing this result was Hardwicke. Horace Walpole declares unequivocally that Hardwicke deliberately wrecked the bill in order to make sure of Byng's being done to death and so shielding himself and Newcastle, as responsible members of the late Government, and also his son-in-law Lord Anson, who had been at the Admiralty in the late Government. When the bill came before the Chamber on March 1 it was moved to hear the members of the Court-martial on the following day. Hardwicke objected, alleging the importance

[1] See on the question of Byng's guilt and the twelfth article of war, Laird Clowes, *History of the Royal Navy* (7 vols., 1897–1903), vol. iii, pp. 146–60; *Trial of the Hon. Admiral Byng* (1757); Sir J. Barrow, *Life of Lord Anson* (1839), p. 275. On the party question see Chesterfield, *Letters*, vol. iii, p. 1165; Waldegrave, *Memoirs*, p. 91; Almon, *Anecdotes of Chatham* (3 vols., 1810), vol. i, p. 288; *Bedford Correspondence*, vol. ii. p. 238.

[2] Subsequently admiral and first viscount.

of an Irish Bankruptcy Bill, which was already down for discussion on the morrow. He suggested a postponement of twenty-four hours. Walpole does not scruple to declare that Hardwicke made this suggestion expressly in order that he might have the opportunity of tampering with the witnesses. 'Lord Hardwicke and Lord Anson were out of place', he writes, 'but were they out of power? Without hinting how soon they returned to formal power, let it be remembered that at that moment, they commanded the House of Lords, and had a vast majority in the House of Commons.' One need not take this very seriously. Walpole was all in favour of Byng, and his venom against Hardwicke is nowhere more obvious than his account of this episode. The only ground for his extremely serious accusation is the fact that when the members of the Court were interrogated, it proved that only three of the thirteen officers expressed any wish to be absolved from the oath of secrecy, and not one of them knew of anything which could show that the sentence had been unjust or given with improper motives. They were daunted by awe of the assembly, says Walpole, though the suggestion that a number of experienced naval officers would be intimidated by the aspect of the House of Lords into falsehood or secretiveness is as incredible as the more serious one that they had been tampered with by Hardwicke. Their evidence was such that the bill was left without a shadow of justification, and there was no choice but to reject it (March 2).[1]

The question of the responsibility of Hardwicke and Newcastle is of some interest. There is no doubt that their attitude was of importance. Hardwicke was certainly influenced by consideration of the legal aspect of the matter. He was firm in defence of the twelfth article of war. So also, it is to be noted, was the other great lawyer in the House, Mansfield. On the other hand, there is no question that the language used by Newcastle on the Byng affair shows a despicable state of mind, and that the desire on the part of the Ministry to clear themselves at the expense of the Admiral

[1] On these proceedings see *L. J.*, vol. xxix, pp. 57–64 *passim*; *P. H.*, vol. xv, 807–21; H. Walpole, *Memoirs of George II*, vol. ii, pp. 351–66; Torrens, vol. ii, pp. 360–5.

was glaring. They actually supplied David Mallet with information for a pamphlet which he was writing against Byng. It would have been at least seemly for these two, in the circumstances, to refrain from taking an active part against Byng in the House of Lords.[1]

On March 14 the Admiral was shot. On April 4 Temple was dismissed ; two days later Pitt's turn came. If the ' great commoner's ' popularity waned somewhat owing to his support of Byng, it proved that this was the way to restore him all that he had lost, for the wave of enthusiasm which surged up when the news of his fall became known in the country was unexampled. After several fruitless attempts to create a Cabinet without Pitt George II had to assent to the famous coalition Ministry of Pitt and Newcastle. Pitt was quite prepared to allow the Duke to amuse himself with his favourite pastimes. ' The creating Deans, Bishops, and every placeman besides, is quite out of my line, and I would willingly relinquish them to the Duke of Newcastle.' [2] The members of the new Ministry in the House of Lords were Newcastle, Temple, Anson, Granville, Halifax, Bedford, and Sir Robert Henley (late Attorney-General) as Lord Keeper, at present without a peerage.[3]

The new Speaker of the House of Lords was a man utterly different in type from Hardwicke. There was nothing in the least solemn about Sir Robert Henley, who was to become Lord Chancellor in 1761 with the title of Lord Northington. His chief capacity was the ability to consume large quantities of port. The story is familiar, but good enough to bear repetition, that George III once said to him, ' Your friends tell me, my lord, that you like a glass of wine.' ' They have

[1] See the defence of Hardwicke in Yorke, vol. ii, p. 345. Mr. Yorke considers that ' the charge of personal and factious motives is applied with far better reason to Pitt '. He passes over Hardwicke's conduct in supplying Mallet with his arguments, and he leaves out of consideration the extreme impropriety of persons in Newcastle's and Hardwicke's position pressing heavily against the Admiral. While the complacent majority in the Commons was probably to be relied upon, the danger of an impeachment could not be altogether ignored.

[2] See B. Williams, *Life of Chatham*, vol. i, pp. 320–1.

[3] For these negotiations see *ibid.*, pp. 321–5 ; Torrens, vol. ii, pp. 374–98 ; Yorke, vol. ii, pp. 366–78.

misinformed your Majesty,' came the response, ' they should have said a bottle.' He suffered acutely from gout, and its tortures improved a command of vigorous language which was in any case naturally extensive. The uneasiness of the motion of his state coach, when his lordship's feet were tender, was apt to call forth ' very expressive asseverations '. He affected a bluntness of speech, even to royalty, which was useful in giving the impression of rough honesty. In his youth Henley had been a notorious debauchee, and he had been one of the most worthless of the dissipated frequenters of Bath. He never made any pretensions to virtue, or to niceness of mind, or to judicial dignity. As he said, he would not send for Garrick and learn to act a part. Dignity of deportment and demeanour was all humbug. In the House of Lords he was blunt and direct to the verge of insolence. Though he was not devoid of ability a man of this sort would have been of little importance had it not been for his capacity to please George III. He did well for himself, securing an earldom and a great deal of wealth. He was not encumbered by principles, and his outlook on political questions was usually as crude as his language was outspoken.[1]

The House of Lords had recently acquired an infinitely greater reinforcement to its legal strength in the person of Lord Mansfield, whose influence over the Chamber was to become scarcely, if at all, inferior to that which had been exercised by Hardwicke. Although more than once offered the Woolsack Mansfield preferred to remain Lord Chief Justice. His official position was no indication of his political influence. He never occupied an administrative post, but he was an unofficial Cabinet Minister in more than one Government, and under Lord North he was for a time Speaker of the House of Lords. At all times a power at Court, his influence was suspected, as it was also very often exaggerated, by his enemies. He was a Scot, a member of a Jacobite family ; he was unquestionably one of George III's most devoted personal adherents. He supported the taxa-

[1] On Northington see Campbell's *Lord Chancellors*, vol. v, pp. 179–226 ; *Royal Register*, vol. i, pp. 125–6.

tion of America ; he held views on the law of libel which were anathema to Chatham. In the eyes of his adversaries he was the apotheosis of the Court-lawyer, the champion of prerogative, the enemy of liberty, the dark and secret influence, which, preferring the reality of power to its outward seeming, was therein all the more dangerous. Such is the attitude of Junius. 'You secretly ingross the power, while you decline the title of minister.'[1] The designs of Mansfield are more subtle than those of the ostensible culprits. 'Who attacks the liberty of the press?—Lord Mansfield.—Who invades the constitutional power of juries?—Lord Mansfield. . . . Who is he, that has made it the study and practice of his life, to undermine and alter the whole system of jurisprudence in the Court of King's Bench?—Lord Mansfield.'[2] And so on. The habitual language of Horace Walpole when referring to the great judge is scarcely more restrained. 'Nothing', he writes, 'could be more dangerous than the influence of so arbitrary a man as Lord Mansfield over the House of Lords, where a lawyer of such eminent abilities was sure to preponderate.'[3] It was taken as a sign of native timidity that he refused to accept the responsibilities of the Lord Chancellor's office, which was his by every claim of talent and seniority.[4] Mansfield may not have been among the bravest of men, but it is safe to say that much of what his enemies termed cowardice would be more accurately designated Scots caution.

On Mansfield's pre-eminent powers there were never two opinions. He was a very great judge, and he whom Junius accused of subverting the common law of England was in reality one of its chief reformers.[5] He was a man of immense diligence and application. Shelburne quotes his case as an example to disprove the common supposition that men of remarkable gifts are seldom diligent.[6] He was a consummate parliamentary and forensic orator. Even his enemies

[1] *Letters of Junius*, vol. ii, Letter 57, to Lord Mansfield, esp. p. 97.
[2] *Ibid.*, Letter 74, to Lord Mansfield, vol. ii, pp. 223–4.
[3] H. Walpole, *Memoirs of George III*, vol. ii, pp. 199–200.
[4] *Royal Register*, vol. ii, pp. 1–22.
[5] Campbell, *Lives of the Chief Justices of England* (3 vols., 1858), vol. ii, p. 395.
[6] Fitzmaurice, *Shelburne*, vol. i, p. 87.

bear repeated testimony to the compelling force of his speeches, the convincing array of arguments, the restrained logical precision, the command of polished diction. It was said that Mansfield's mere statement was equal to anybody else's argument. Although of short stature he had a remarkable presence. He was exceptionally handsome; he had great natural dignity. 'He had an eye of fire; and a voice perhaps unrivalled in its sweetness, and the mellifluous variety of its tones.' [1] He had been the one dangerous rival to Pitt as an orator when they were members together of the House of Commons. When Pitt entered the House of Lords, once more the rivals met, as antipathetic as ever before, as finely matched. Pitt's mind was the very antithesis of the lawyer's mind.[2] There came a most interesting illustration of the difference between them in the spring of 1758.

During the law vacation of 1757 a man of good social position had been illegally pressed for the army and confined in the Savoy. His friends at once applied for a writ of Habeas Corpus, only to be informed by Lord Mansfield that there was no absolute right to the writ in a case like this where no criminal charge had been brought; that it was a matter for the judge's discretion to decide whether there was or was not a *prima facie* case for issuing the writ; that he was doubtful whether certain judges had any right to issue the writ at all during vacation. The impressed gentleman was none the worse for Lord Mansfield's opinions, because he was released through the intervention of the Secretary-at-War. But on the point of general principle Pitt was up in arms. His notions of constitutional law were few and simple, being based almost exclusively on a popular interpretation of Magna Carta and the Bill of Rights. He had always supposed that the right to Habeas Corpus was the indefeasible possession of every free-born Englishman. Convinced in his own mind that Mansfield must have misinterpreted the law, Pitt was impetuously determined upon

[1] Seward, *Anecdotes of Some Distinguished Persons*, vol. ii, p. 429. See also *Reminiscences of C. Butler*, vol. i, pp. 120–31; *The Works of Thomas Newton, Bishop of Bristol* (6 vols., 1787), vol. i, p. 135.

[2] For Mansfield generally see Campbell's *Chief Justices*, vol. ii, pp. 302–577.

the immediate introduction of a measure to make it clear that the judges had no option but to issue the writ at all times and in all cases. Characteristically, he consulted neither Hardwicke nor any other recognized legal authority save his personal friend, Pratt, then Attorney-General, who drafted the bill. For his failure to win beforehand the sympathy of the dictator of the Upper House Pitt paid the penalty of losing his bill in that assembly.

The legal question was not so simple as Pitt, with his inherent contempt for (and complete ignorance of) legal technicalities, imagined. His quarrel was not really with the law of Habeas Corpus at all, which Mansfield probably interpreted correctly, but with the Impressment Acts of Anne and George II, which were an infringement upon the liberty of the subject, and from which the writ of Habeas Corpus, intended only for criminal causes, afforded no deliverance.[1] The bill passed easily in the Commons. ' We have nothing ', writes Walpole, on February 10, 1758, ' but a quiet struggle for an extension of the Habeas Corpus. It passed our House swimmingly, but will be drowned with the same ease in the House of Lords.' [2] Walpole, when describing the progress of the measure in that House, is moved to a virulent diatribe against the Chamber. The King had expressed his disapproval of the bill. So Walpole must needs say that the Lords nowadays were in no danger from the Crown ; ' and when they do not fear it, they will always be ready to uphold it. They look on themselves as distinct from the nation ; and at best, leave the people to be taken care of by their representatives, the Commons. As jealous of, and as fond of privileges, as the King of his prerogative, . . . they were at the time I write of, a tame, subservient, incapable set of men, governed entirely by the Duke of Newcastle, and the two lawyers, Hardwicke and Mansfield. . . .' The House of

[1] See Yorke's *Hardwicke*, vol. iii, pp. 1–20. The author's partisanship for Hardwicke makes him unfair to Pitt. ' Pitt's chief source of power was popularity, and no occasion was neglected to increase it by raising and leading popular clamours.' Pratt, too, is described as ' qualifying by his popular inclinations to be Pitt's Chancellor in the future '. The bill is stigmatized as ' ignorant and impracticable '. *Ibid.*, p. 4.

[2] H. Walpole, *Letters*, vol. iv, p. 126.

Commons had almost to a man approved of the bill, and 'five hundred men are probably as conscientious as two hundred. But it was evidently an affair of faction'; and the bill 'was rejected in compliment to Lord Mansfield . . . and to gratify the private pique and public authority of the family of Yorke, the head of which always considered what was the law, never on what grounds a law had been made'.[1]

The first reading in the Upper House took place on April 25;[2] the second on May 9, when Hardwicke, who had previously informed Pitt of his intentions, at once took the lead against the bill, moving its immediate rejection.[3] Opposition in the Lords would, it was realized, be unpopular. Newcastle had written in some distress to Hardwicke on March 27 with reference to the 'dangerous impertinences of the newspapers'. 'If this method of proceeding is not stopped we shall have the mob at the door of the House of Lords *demanding* justice, if they presume to differ from the House of Commons.'[4] On April 14 Pitt had dined with the Duke and strongly put forward his own view of the subject. He 'endeavoured to frighten or bully me into an acquiescence; that the nation would insist upon it; that it was not a squib but a reality'. The Duke boasted to Hardwicke that the attempted bullying had entirely failed in its object.[5]

In moving the rejection of the bill in a lengthy speech Hardwicke was sarcastic at the expense of orators in the House of Commons who had the impertinence to dictate on matters touching the law. All the security the subject needed he already possessed—in the common law. The judicial decision which had been complained of had not been at all arbitrary, but strictly in accordance with the common law. Were the writ of Habeas Corpus obtainable in every sort of case it would mean that husbands would find themselves called upon to produce their wives, fathers their daughters, physicians their lunatic patients. There was no occasion whatever for the present bill, which was destructive

[1] *Memoirs of George II*, vol. iii, pp. 112–16.
[2] *L. J.*, vol. xxix, p. 312.
[3] *Ibid.*, p. 331.
[4] *Newcastle Papers*, Add. MSS. 32878, f. 388.
[5] *Ibid.*, 32879, f. 157.

of all authority. ' The law is at the same time the standard and the guardian of our liberty. It both circumscribes and defends it. Law without liberty is tyranny. Liberty without law is anarchy and confusion.' [1]

Hardwicke moved that the bill be referred to the judges. Temple, in a spirited reply, ' taunted the House with allowing itself to be governed by a lawyer, or rather by two lawyers. He objected to calling in the judges because in this matter they were biased. The bill contained penalties against any judge who refused to issue the writ. Besides, it was derogatory to refer to the judges what their lordships' ancestors had already determined. . . . He would not take the law from the judges as to the main principles of it, any more than he would ask the bench of bishops about the great outlines of religion.' [2]

These heresies made Hardwicke very wroth, and very majestic. He was astonished. The reflections on the judges were ' as improper as they were undeserved, no body of men since the Revolution being less liable to the suspicion of corruption or any false bias than they '. The majesty of the law, ' guardian and security of the public liberty, . . . ought to be held sacred, in order to prevent liberty from degenerating into licentiousness. . . . *Let us stand upon the ancient ways* : leave the legislative power where it is ; the power of beginning bills of supply where it is, and the power of judicature where it is.' [3] Never was a more stolidly conservative doctrine preached.

Only one or two other peers dared to speak for the bill—Talbot,[4] Denbigh,[5] and Granville. The last considered it vain to attempt to resist a measure of such obvious popularity. It would, if rejected, simply be sent up again and again until it was accepted. Why not accept at once and be done with it ? [6] Mansfield then spoke, making condescend-

[1] *P. H.*, vol. xv, 897–8 *n.*, 923–6 ; *Hardwicke Papers*, Add. MSS. 35878, f. 37.

[2] *P. H.*, vol. xv, 898 *n.* ; H. Walpole, *Memoirs of George II*, vol. iii, p. 116.

[3] Add. MSS. 35878, f. 43.

[4] The second baron, son of the Lord Chancellor, who had succeeded to the title in 1737. Raised to an earldom in 1761.

[5] Basil Fielding, sixth Earl of Denbigh, third of Denbigh and Desmond (in Ireland), 1719–1800.

[6] *P. H.*, vol. xv, 900 *n.*

ing reference to the ignorance of those misguided persons who imagined that liberty was at stake in this matter. It 'had no more connexion with the bill than with the Act of Navigation, or that for encouraging the cultivation of madder'.[1]

The House resolved to put a number of questions to the judges, and gave them a fortnight in which to consider their answers. Hardwicke objected to so long a delay. He told Newcastle afterwards that he had always thought delay 'would produce cabal and intrigue', though on the whole he felt quite confident on the score of the judges' opinions. Mansfield, being one of their number, had opportunities of 'giving them right hints . . . in matters of law'.[2] Chesterfield, in sending his proxy to Earl Stanhope to be used for the Bill, also expressed assurance as to the judges' future action, but from a different point of view. 'We have had ship-money judges, dispensing judges, but I never heard of any patriot judges, except in the Old Testament.'[3]

Pitt was extremely indignant at the attitude of the Upper House. He told Newcastle that the result of rejection would be 'distrust, alienation and complaining in your streets',[4] and told Lady Yarmouth that the nation would be in a flame. When that lady objected that all the lawyers were against the bill, he retorted grandly: 'Madam, if all the Bishops on the Bench were to say the people should not have the use of the Bible, would the people part with the Bible?'[5] The root of the matter lay in that rhetorical question. Hardwicke remained adamant. He counselled Newcastle: 'Submit to pass the bill you cannot with decency or common sense.'[6]

On May 25, 26, and 30 the judges were duly heard at considerable length.[7] Although their reasons were far from being all alike they all concluded, as had been anticipated, by declaring against the bill. Temple took note of their contradictions on points of detail and made an attack upon

[1] *Ibid.*, 900 *n.*
[2] *Newcastle Papers*, Add. MSS. 32880, f. 116.
[3] *Chesterfield's Letters*, vol. iii, p. 1218.
[4] Add. MSS. 32880, ff. 104, 110.
[5] *Ibid.*, f. 172; 35417, f. 212.
[6] Add. MSS. 32880, f. 115.
[7] *L. J.*, vol. xxix, pp. 337–8, 339–41, 344–7.

the whole bench. Lyttelton answered his cousin sharply and words rose so high that the House had to intervene.[1]

The bill came up for its second reading on June 2 when Hardwicke, while strongly advocating the rejection of this measure, undertook himself to frame another to set any reasonable doubts at rest—a promise which he never fulfilled. The great speech of the day was Mansfield's. So hostile a witness as Walpole testified to the power of an oration lasting nearly two and a half hours. 'I am not averse to own', he writes, 'that I never heard so much argument, so much sense, so much oratory united. His deviations into the abstruse minutiae of the law seemed but as a foil to the luminous parts of the oration. Perhaps it was the only speech that, in my time at least, had real effect, that is, convinced many persons. Nor did I know how true a votary I was to liberty till I found I was not of the numbered staggered by that speech.'[2] Temple's reply was ineffective. He had, however, what Walpole terms a 'flaming' protest ready, when the motion to commit the bill was lost and the measure thereupon rejected. His own was the only signature appended to it, but it is said that nearly thirty would have signed had it not been for the promise which Hardwicke had given.[3]

Pitt's soreness was revealed when in the House of Commons Hardwicke's son, Lord Royston, took Beckford to task for speaking disparagingly of the peerage. Pitt scolded Royston soundly and declared that for his part 'he should be prouder to be an alderman than a peer'. When a little later a question of the judges' emoluments which had been before the Cabinet Council for some time was revived, and a proposal was made for their increase, 'Pitt told Newcastle that the increase had been made to reward the complaisance of the Judges on the Bill of Habeas Corpus, *and that it was the largest fee that ever was given.*'[4]

It is possible to pass over the history of the House of Lords during the next couple of years practically without comment.

[1] Mrs. E. Montagu, *Letters* (4 vols., 1809–13), vol. iv, p. 29.
[2] H. Walpole, *Memoirs of George II*, vol. iii, p. 120; *Letters*, vol. iv, p. 139.
[3] *Letters*, vol. iv, pp. 139–40; *Complete Protests*, vol. ii, pp. 60–2.
[4] H. Walpole, *Memoirs of George II*, vol. iii, p. 182. See also *P. H.*, vol. xv, 926–7.

The period is a great one in our military and naval annals; from the point of view of parliamentary activities it is singularly barren. Lyttelton amused the House by ascribing the successes gained in the war to Newcastle—but that was in the spring of 1758—and the circumstances of Lord Ferrers's trial and execution diverted popular attention from weightier matters.[1]

The accession of George III, an important event in British history from every point of view, had a profound effect on the House of Lords, for the new sovereign sought to curtail the domination of the oligarchy which was enshrined in that Chamber. The methods whereby he set to work to re-establish the personal power of the Crown are well known, and it is only indirectly, in so far as they affected the House of Lords, that they concern this book. His agent was that Scottish upstart who, after years spent frugally in his own island of Bute, where he seemed destined to end his days in nothing more exciting than the cultivation of the crops of Ascog and the gardens of Mount-Stuart, had entered the household of Frederick, Prince of Wales, and, having a fine leg and a distinguished presence, had succeeded in acquiring a remarkable influence over the Princess. 'Always upon stilts', he had 'an extraordinary appearance of wisdom, both in his look and manner of speaking; for whether the subjects be serious or trifling he is equally pompous, slow and sententious.'[2] Our knowledge of Bute comes almost entirely from his enemies, so that it is difficult for us to do justice to him. At all events we can say that he was an upright man of marked fidelity, ambitious for his master's welfare and not for his own aggrandizement. He never courted publicity, being happier in the capacity of stage manager than as leading actor in the glare of the footlights.

The prime essential for the re-establishment of royal influence was that the royal patronage, which had been so long suffered to remain in the hands of a confederacy of Ministers,

[1] See *infra*, p. 437.

[2] See Waldegrave, *Memoirs*, p. 38; Chesterfield, *Letters*, vol. iii, pp. 1429–38; Fitzmaurice, *Shelburne*, vol. i, pp. 140–1; von Ruville's *Chatham*, vol. ii, p. 315.

should be resumed.[1] It is significant that in December 1760, with the prospect of a general election in the spring, Newcastle was informed that no public money was to be used for the purchase of seats.[2] If this suggested that the new sovereign was inspired by enthusiasm for the cause of parliamentary purity, appearances were delusive. Bute took an active part in electioneering. 'Elections', writes Henry Fox, 'went very much as Lord Bute wish'd, who made use of the King's money privately, which was publickly, ostentatiously, and really too, refus'd to the D. of Newcastle for those purposes of elections.'[3] Despite restrictions upon his usual activities Newcastle professed himself well pleased with the result of the elections. He had great private resources and still undiminished influence except in those very exclusive circles where his fate was already determined. Indeed, he reckoned that in the House of Commons his supporters numbered 291; his opponents 108; the doubtfuls 113.[4] But the Duke's calculations were based upon a misapprehension of the new situation. Corrupt members of Parliament would always owe allegiance to the reigning star. What if that star should be the Sovereign himself? The general election of 1761 was exceptionally corrupt. There were new dealers in the market—Indian nabobs, for example. Such men did not belong to the English soil; they were an excrescence for which Whig territorialism did not reckon. Unattached to any territorial magnate, these *parvenus* laid themselves open to purchase by the Court.[5]

Pitt was a potential ally for the Crown in the fight against the Revolution families, for the 'great commoner' dis-

[1] See D. A. Winstanley, 'George III and his First Cabinet', *E. H. R.*, vol. xvii, pp. 678–91. This was the advice of John Douglas, Bishop of Carlisle, later of Salisbury, in his pamphlet *Seasonable Hints from an Honest Man*.

[2] *Newcastle Papers*, Add. MSS. 32941, f. 36.

[3] 'Memoir on the Events attending the death of George II and the Accession of George III', printed in *Life and Letters of Lady Sarah Lennox* (ed. Countess of Ilchester and Lord Stavordale, 2 vols. 1902), vol. i, p. 41.

[4] *Newcastle Papers*, Add. MSS. 32999, f. 323; 32929, ff. 303–18.

[5] Walpole, *Letters*, vol. v, p. 29. 'West Indians, conquerors, nabobs, admirals, attack every borough. . . . No money is issued from the Treasury: there are no parties, no pretence of grievances, and yet venality is grosser than ever.'

approved of government by party or connexion just as much as George III did. On the other hand, Pitt's personal popularity made him so great a force as to be a rival of the Crown itself. As it turned out, Pitt's fall preceded that of the oligarchs. On the vital issue of his desire to declare war with Spain Pitt was repudiated by the Whig magnates, Devonshire, Newcastle, Bedford, Granville. The decisive Cabinet meeting at which he was defeated took place on October 2; his resignation followed on the 5th. Temple also resigned. When Parliament assembled in November the two brothers-in-law explained the reasons of their resignation. Pitt in the Lower House was mild and conciliatory beyond expectation,[1] and Temple in the Lords spoke, we are told, 'in his usual languid manner,' and 'though indiscreet' was not 'so intemperate as had been expected'. The burden of his complaint was that 'it was a time when a first minister was necessary; but now, *who* remained fit for that office, *who* thought himself capable of guiding?'[2] Pitt had accepted a pension for himself, a peerage for his wife, was full of gratitude for the young King's gracious condescension, and had no desire to embarrass the King's Ministers.

But an issue was soon to arise upon which Pitt and his friends could not keep silence. In the debate in the Lords just mentioned the young Lord Shelburne, one day to rank as Pitt's chief lieutenant but at present a henchman of Bute, spoke against continued participation in the German War.[3] When hostilities with Spain proved, as Pitt had foreseen, unavoidable at the opening of 1762, George Grenville in the Commons and Bedford in the Lords could not be restrained from openly expressing their opinion that the arena of war ought to be curtailed by sacrificing the Prussian alliance. That alliance was still the avowed policy of his Majesty's Government, although Bute was secretly engaged in endeavouring to per-

[1] It is Mr. Winstanley's thesis that in failing to unite with Newcastle against the King's insidious tactics, Pitt betrayed the party principle, and was, therefore, largely responsible for the disasters which followed upon the King's personal ascendancy. See *Personal and Party Government* (Cambridge, 1910) and *Lord Chatham and the Whig Opposition* (Cambridge, 1912).

[2] See Williams, *Chatham*, vol. ii, p. 131.

[3] Walpole, *Memoirs of George III*, vol. i, pp. 88–9; *Letters*, vol. v, p. 141.

suade Frederick the Great to come to an accommodation.[1] In December 1761 Bedford was anxious to bring forward a motion for recalling our troops from Germany, and for Rigby to do the same in the Commons.[2] This was prevented for the time being, but only till February 5 when the Duke did launch a motion, rather less outspoken than the one originally conceived, but expressing the view ' that the bringing the British troops home from Germany would enable his Majesty more effectually to carry on with vigour the war against the united forces of France and Spain '.[3] In his speech Bedford maintained that the German War had been from the first unnecessary ; that since the entrance of Spain into the conflict it had become indefensible. He showed his strong pacific inclinations by declaring that the people were kindling their bonfires for victories which were no victories, since they brought peace no nearer.[4] Walpole's comment is : ' He might as well have termed it an exhortation to Spain not to dread our arms.' [5] Support for these views was also forthcoming from Shelburne and several other lords. Denbigh and Temple spoke on the other side. So also Bute, who had in vain expostulated against the Duke's obstinate determination to introduce his highly embarrassing motion. Bute declared himself unequivocally opposed to it and moved the previous question. He was indeed privately in complete sympathy with Bedford's views, and he now agreed that it would be necessary to reduce our military expenditure, and to bring the war within a narrower compass ; but the time was not yet, and to withdraw our troops now would be both disastrous and infamous. The previous question was carried by 105 to 16.[6] After this decisive defeat Bedford abandoned the plan that Rigby should bring in an identical motion in the other Chamber.

[1] *Newcastle Papers*, Add. MSS. 32933, f. 107.
[2] *Ibid.*, 32932, f. 239.
[3] *L. J.*, vol. xxx, p. 155.
[4] *P. H.*, vol. xv, 1217–19 *n.* from Hardwicke's notes. Fitzmaurice, *Shelburne*, vol. i, pp. 127–9. These ideas had already been popularized by Mauduit's effective pamphlet, *Considerations on the German War*, which had appeared late in 1760, possibly at Bute's own instigation.
[5] *Memoirs of George III*, vol. i, p. 136.
[6] *Ibid.*

Bedford's motion had only been unwelcome because it was premature. Bute soon decided upon withdrawing our subsidies to Prussia altogether and drastically curtailing our expenditure on the German War. His policy was strongly opposed in Cabinet by Devonshire and Newcastle, but Bute cared nothing for either of these noble lords now. They had served their turn. Had it not been so exceedingly painful to the old Duke ever to retire from office Newcastle must have been forced into resignation by the insults put upon him soon after the favourite became Secretary of State. He had told Rigby in December 1760 that he would no longer submit to his loss of influence in the Closet and ' the Whigs . . . being given up in many parts of England '.[1] Nevertheless he had continued to submit, notwithstanding the wiser counsels of his friend Hardwicke. But Bute's new proposals regarding the German War[2] were the finishing touch, and the Duke resigned on May 25, 1762, being followed by Hardwicke and Devonshire, although the latter still retained the Lord Chamberlain's office.

The end to British participation in the Seven Years War came when peace preliminaries were signed at Paris on November 3. The treaty was glorious ; yet we made large concessions for the sake of peace, and a formidable attack was to be anticipated, especially from Pitt, on the score that our gains were not commensurate with our successes in the war. It seemed desirable to strengthen the Administration, and Bute made overtures to the very peers whom he had discarded.[3] His offer was refused. Bute decided to punish them for their refusal. As he informed Shelburne, in the perilous state of the country ' the insolence of faction ' must be used in ' a rougher vein '.[4] While Pitt was formidable the great Whig lords were as an united force potentially still more so. As Burke put it, ' the power of that gentleman was vast and merited, but it was in a great degree personal and therefore transient. Theirs was rooted in the country. For, with

[1] *Bedford Correspondence*, vol. ii, pp. 423 et seq.

[2] See J. Holland Rose, ' Frederick the Great and England, 1756–63 ', in *E. H. R.*, vol. xxix, pp. 267–75.

[3] Add. MSS. 32941, f. 70 ; *Rockingham Memoirs*, vol. i, pp. 118, 129, 131.

[4] Fitzmaurice, vol. i, pp. 165, 180.

a great deal less popularity, they possessed a far more natural and fixed influence. Long possession of government; vast property, obligations of favours given and received (things at that time supposed of some force). . . .'[1] The King's displeasure fell first upon Devonshire. When the Duke sought an audience in order to resign the Chamberlain's staff, the King refused to see him; on November 3 his name was struck off the list of the Privy Council. Newcastle was staggered. 'I believe', he wrote to Hardwicke after the first insult, 'no Court in Europe (I will scarce except the Russian) ever put such an affront upon one of the first rank, as the Duke of Devonshire.' Indeed, he moans, 'these violences are very alarming.' When Devonshire was so treated, what might others expect? 'It is a most melancholy consideration.'[2] His question was to be answered in striking fashion a few weeks later.

The session opened on November 25. The aspect of the House of Peers disgusted Newcastle. Already the policy of Bute and his master had borne fruit. All those who were Courtiers first and Whigs afterwards had realized where the fountain of power and influence was now to be found. 'I suppose', wrote the Duke next day to Hardwicke, 'your Lordship was as little pleased as I was with the appearance of the House of Lords yesterday. Such shameful adulation to the minister and such a hum of applause I never expected to see in this House of Lords.'[3]

On December 9 there took place great debates on the Peace Preliminaries in both Houses. In the Commons Pitt delivered a diatribe lasting three hours and a half; but he was ill and the long speech was ineffective. In any case oratory was of no account. Fox by threat and by promise had seen to it that the Lower House was thoroughly disciplined. In the Lords the youthful Shelburne was put up to move the approval of the preliminaries.[4] He was answered by another novice, the Duke of Grafton. The latter has given us his own opinion of this performance. 'This my first speech', he

[1] 'Thoughts on the Cause of the Present Discontents' in *Works*, vol. i, p. 318.
[2] Add. MSS. 32944, f. 185.
[3] Add. MSS. 32945, f. 153.
[4] Fitzmaurice, vol. i, p. 179.

writes in his *Autobiography*, 'was too declamatory, and directed chiefly against Lord Bute.—The violence of my language was easily excused in a young man speaking from the heart: and it had one good effect at least, for it called up the Earl of Bute, who by his manner of speaking rather exposed himself than supported his cause.' [1] Bute, bringing out his sentences like minute guns, 'defended himself with applause, having laid aside much of his former pomp. He treated the Duke of Grafton as a juvenile member, whose imputations he despised, and for the Peace he desired to have it written on his tomb: "Here lies the Earl of Bute, who, in concert with the King's ministers, made the Peace."' This grandiloquent phrase Bute's enemies delightedly turned to ridicule. The most powerful speech in opposition was made by Hardwicke, who took exception to cessions of conquered territory for which under the proposed peace we secured no equivalent; but his main criticism was that the House was asked for a general approval of the preliminaries, although no papers or detailed information had been submitted to it. Such *carte blanche* approval was too deferential; it would handicap our plenipotentiaries if they sought to gain more in the definitive treaty.[2] The Lord Chancellor, Henley, seems to have been merely abusive; the really fine defence of the Government was made by Mansfield. The preliminaries were approved without a division. Grafton says that the number of peers who opposed the Address was short of expectations, 'but their consideration as to character and property was too weighty to be overlooked.' [3]

The truth is that it *was* overlooked, and that the attack upon Bute and the Treaty had not been effective in either Chamber. Cumberland had been anxious to concert a really

[1] *Memoirs of Augustus Henry, third Duke of Grafton*, pp. 24–5. Cf. Walpole, *Memoirs of George III*, vol. i, p. 222. Walpole says Grafton spoke 'with great weight and greater warmth'. Later on Grafton seems to have developed into a pleasing if not powerful speaker. Walpole says he 'had a grace and dignity in his utterance that commanded attention, and dazzled in lieu of matter', *Memoirs of George III*, vol. i, p. 267; and Butler (*Reminiscences*, vol. i, p. 199) writes: 'His action and delivery, when he addressed the House, were singularly dignified and graceful.'

[2] *P. H.*, vol. xv, 1251–8, from Hardwicke's own notes.

[3] *Grafton's Autobiography*, p. 24.

powerful opposition by an alliance between Pitt and Newcastle. The latter wished for such an arrangement ; not so Pitt, who had prefaced his speech in the House of Commons by the declaration that he was unattached to any party and wished to remain so.[1] Thus the Whig effort was feeble ; Bute's position remained undamaged, and there was real point in the exclamation of the Princess of Wales, when she heard that the preliminaries had been approved by Parliament, ' Now my son is King of England.'

Small as had been the obstruction, Fox, who with the promise of a peerage as the reward of his energies was now giving his heart and soul to the service of Bute, urged that not only the magnates but also their numerous dependants should be punished for their recalcitrance. It was over the question of the vengeance to be meted out to the smaller fry that he and Shelburne parted company. Boasting that he would not spare a single man, Fox exulted in the general rout.[2] December 20 was execution day. Newcastle, Devonshire, Grafton, and Rockingham were deprived of their lord-lieutenancies ; relations, friends, underlings of Newcastle by the score were deprived of their employments. In addition to the proscription of the faithful, Newcastle had to lament his desertion by the unfaithful. ' The contemptible figure we make (and myself more particularly) in both Houses ', cries the Duke, ' goes to my heart. . . . Never was a man who had it in his power to serve, to make, to choose so great a part of the members of both Houses, so abandoned as I am at present.' [3]

The catastrophe of December 20 made Newcastle keener than before on putting up an effective fight against Ministers, but the indispensable coadjutor, Hardwicke, was at best lukewarm. The idea of systematic opposition went against the grain with him. He had once promised the late King that he would never enter into any opposition, ' would not undergo the slavery ' or ' partake in the guilt of it '.[4] He did

[1] *Rockingham Memoirs*, vol. i, pp. 124–6, 148–51 ; *Grenville Correspondence*, vol. ii, p. 22 ; *P. H.*, vol. xv, 1259–63.

[2] Fitzmaurice, vol. i, p. 183 ; Lord Ilchester, *Henry Fox, Lord Holland* (2 vols., 1920), vol. ii, p. 217.

[3] Add. MSS. 32945, f. 289.

[4] Yorke, vol. i, p. 504.

not believe that he and Newcastle were fit to lead an Opposition ; they would be fatigued by long debates and late hours ; in the list of possible supporters among the peers there were ' very few hands and fewer heads '. After the uphill labour of an opposition such as they had never practised before, and which would probably do for them both within a twelve-month, they would find Pitt at the head of the next Administration.[1]

The prospects of the Opposition improved in the early spring owing to the unpopularity of the excise on cider proposed in his budget by Dashwood. On March 8 Pitt was present at a dinner given at Devonshire House, at which Newcastle, Hardwicke, Rockingham, Temple, and the Duke of Portland were present.[2] A promising opportunity for pressing the Ministry had been found, and Devonshire's guests certainly discussed co-operation against the cider imposition ; how much farther they may have decided on this occasion to go in concert must remain doubtful.[3]

In the House of Commons Pitt and the Opposition did tolerably well, though they never came near to embarrassing the Government seriously.[4] Was the attack to be continued in the Upper House ? This was a money bill. Ought precedent to be disregarded and a division challenged upon such a measure ? Pitt was anxious for this course to be pursued ; so also were certain west country peers—Foley, Fortescue, Lyttelton, Oxford, Suffolk, Ward—who because of their zeal in this cause became known as ' the cider lords '. Newcastle did not believe in this policy, but eventually gave way.[5] Bute, already out of love with office and determined to resign, looked forward to the debates in the House of Lords with much disrelish. Fox recommended him to wait for the first sensible speech against the tax and then announce its withdrawal, so that his last public action while in office might be generous and gracious.[6]

[1] *Hardwicke Papers*, Add. MSS. 35353, ff. 292–3.
[2] *Bedford Correspondence*, vol. iii, pp. 218–20.
[3] See Winstanley, *Personal and Party Government*, pp. 147–8.
[4] See *P. H.*, vol. xv, 1307–10.
[5] See *Personal and Party Government*, pp. 149–50.
[6] Ilchester, vol. ii, p. 222.

The debate on the second reading in the Lords took place on March 28, when the reasoned objection against the tax was made by Hardwicke in the last speech he made in Parliament. The Lower House had sent up this bill too late in the session. Hardwicke expressed once more, as he had done before, his resentment at the shortness of time allowed to the Peers by the Commons for the consideration of a question of great importance. It is typical of him that his last speech was one in criticism of the Commons, and his last vote given against a money bill with which according to the Lower House the Lords were not competent to deal.[1] Mansfield made 'a trimming speech'. Bute's own oration is described as 'languid and argumentative'. The motion to commit was carried by 83 to 44, nine bishops being in the minority.[2] A protest was entered, signed by only three peers, in which it is worth noting that the bill was declared to be 'particularly offensive to the dignity and privilege of the Peers, since their houses may be visited and searched, and they themselves may incur the penalties of the bill, to be levied upon them by justices of the peace, and commissioners of the excise'.[3] The third reading was taken on March 30. Grafton, Lyttelton, and the 'good Lord Dartmouth' supported Temple against the bill. Bute made 'one of his best speeches, though not divested of pomp, and with much affected contempt of popularity'.[4] Denbigh on the same side made, according to Rigby, a very able speech, 'such an one as if Lord Chesterfield had made it, would have been immortalized.'[5] When the bill passed another protest was entered and signed once more by only three lords, headed by Temple.[6] Newcastle, who had so unwillingly assented to the plan of opposition in the Lords, had drawn the line at protesting. Pitt was disgusted by the half-hearted conduct of his aristocratic allies.[7] Bute on the other side had been equally

[1] *P. H.*, vol. xv, 1309–10 *n.*; Yorke, vol. iii, p. 383.
[2] Walpole, *Memoirs of George III*, vol. i, p. 253; *Memoirs of Lyttelton*, vol. i, p. 638.
[3] *Complete Protests*, vol. ii, pp. 65–6.
[4] Walpole, *Memoirs of George III*, vol. i, p. 254.
[5] *Bedford Correspondence*, vol. iii, p. 222.
[6] *Complete Protests*, pp. 66–8.
[7] See Winstanley, *ut supra*, p. 150.

disgusted. There was no enthusiasm for the cider tax, and the voters for Government had been for the most part silent. Bute complained bitterly. ' No aid in the House of Lords to support me except two peers (Lords Denbigh and Pomfret), both the two Secretaries of State silent, and the Lord Chief Justice, whom I myself brought into office, voting for me, yet speaking against me. ' [1]

The Administration, as reconstructed on Bute's resignation, became a triumvirate, power being in the hands of George Grenville in the Commons, the Earls of Egremont and Halifax in the Lords. Egremont existed merely because he was the son of Sir William Windham and had married Grenville's sister, being according to Fox ' useless, lumpish, sour ',[2] and having in Walpole's opinion ' neither knowledge of business, nor the smallest share of parliamentary abilities '.[3] Halifax had even less ability, but was more amiable. Walpole does him the left-handed compliment of saying : ' He spoke readily and agreeably, and only wanted matter and argument.' [4] Such were the Ministers—soon reinforced by Bedford and Sandwich—who embarked upon the prosecution of Wilkes and gave the Opposition a magnificent opportunity.[5] But Newcastle was not interested in such things, his concern with politics being essentially a personal matter, not one of principle, and Hardwicke cordially disliked the doctrines of Sir Charles Pratt on the law of libel.[6] Pitt, as ever on legal issues, disagreed profoundly with Hardwicke. To him the fundamental principles of Whiggism seemed involved in the Wilkes case, and when later the Commons expelled the demagogue his indignation was hot against the Chamber with which his own greatness had been identified. He turned for redress from a corrupt and degenerate House of Commons to the peers of England—in vain.

[1] Quoted in Campbell, *Lives of the Chief Justices*, vol. iii, p. 460.

[2] Ilchester, vol. i, pp. 227–8. He seems, however, to have been an effective speaker. See *Works of Thomas Newton*, vol. i, p. 264.

[3] *Memoirs of George III*, vol. i, p. 272. [4] *Ibid.*, p. 273.

[5] On the death of Granville in Jan. 1763 Bedford joined the Ministry, and Sandwich came in on the death of Egremont.

[6] See Yorke, vol. iii, pp. 461–2. Cf. pp. 363, 459–60.

CHAPTER XI

THE GRENVILLE, ROCKINGHAM, CHATHAM, AND GRAFTON ADMINISTRATIONS, 1765–70

THE most notable happenings in the Grenville Administration are the passing of the Stamp Act and the prosecution of John Wilkes. Of the former little need be said here, as its significance was not appreciated at the time and it passed through both Houses with very little opposition and indeed with very little attention. So eminently reasonable did it at first sight appear to be to expect the Colonists to contribute something to the cost of their own defence that it was not till an outcry had arisen in America that any one in England discovered anything unreasonable in the scheme. The first appearance of the Wilkes case on the stage of the House of Lords was on November 15, 1763, when Parliament reassembled. Sandwich rose to draw their lordships' attention to two indecent and blasphemous writings of John Wilkes, privately printed, one a doggerel poem in imitation of the style of Pope entitled *An Essay on Woman* with annotations purporting to have been written by Warburton, Bishop of Gloucester, the other a parody of the *Veni Creator*.[1] Objectionable as these pieces may have been, they had only been circulated among a few friends, publication could not be proved, and in any case it was not for the House of Lords to deal with the offence, if offence there was. The pretext alleged was that the mockery of the bishop, a member of the House, was a breach of privilege and an outrage on the Chamber. The Peers with becoming gravity listened to Satan reproving sin, as the notorious Sandwich denounced the obscenity and profanity of the demagogue, his fellow member in the infamous Medmenham Brotherhood. He read out passages from the offending poems, thus giving them far greater publicity than they would otherwise have obtained. Next rose Warburton, boiling with rage at Wilkes's

[1] *L. J.*, vol. xxx, pp. 413–15.

' diabolical enormity ', declaring that ' the blackest fiends in hell would not keep company with Wilkes ', and then begging Satan's pardon for comparing them together.[1]

The Ministers' motive in bringing up this matter of the doggerel poems is clear. It was not zeal for public morality, but a desire to discredit the popular idol of the day, and certainly Wilkes's friends in the House were placed in a position of some difficulty, for there was no justifying Wilkes the parodist. Temple, his chief supporter among the Peers, had, however, a case—and a good one. He demanded that the legality of the methods whereby the poems had been obtained should be inquired into, and declared that the liberty of the press was concerned in this matter—' and a great deal of nonsense to that purpose ', adds Bishop Warburton, who tells us that Temple ' spoke wretchedly ill, as usual, and was as wretchedly seconded by Lord Sandys '. But then Warburton was not an unbiased witness. At any rate Temple seems to have been pertinacious, for the same authority tells us that he ' hung upon it, and I believe rose up half a dozen different times, till Lord Mansfield, finding there would be no end, rose up, and as he always does, ended the dispute at once. . . . He said that nothing was more absurd than the objection. The coming by evidence illegally does not make that evidence illegal in the trial of a criminal. . . . In short, he exposed and ridiculed the objection so effectually, that the House called out to *go on*. So that the wretch was fully convicted.' [2] Next day the Peers adopted a resolution, which it was decided to lay before his Majesty, in which Wilkes's productions were roundly chastised as ' scandalous, obscene, and impious '.[3]

[1] Walpole, *Memoirs of George III*, vol. i, pp. 311–12; *Letters*, vol. v, pp. 387, 396; H. Bleackley, *Life of John Wilkes* (1917), pp. 133–4; F. Kilvert, *Selection from the unpublished Papers of William Warburton* (1841), pp. 225–9, 277–81 (Warburton's speech).

[2] All the same Mansfield was making the worse appear the better cause. In a case of criminal libel the prosecution would have had to prove publication. Here the only publication was by those who themselves brought forward the case. Cf. Wittke, *Parliamentary Privilege*, pp. 116–17. ' Thus, the upper house, under the plea of privilege, was assuming to apply the law of libel, and through this power, to rid the Government of a hated foe and most unsparing critic.'

[3] *L. J.*, vol. xxx, pp. 415–17.

Meanwhile the Commons had been more seriously occupied. On one day they had voted No. 45 of the *North Briton* a libel, and the next they had decided that privilege of Parliament did not extend to libels. These resolutions they communicated to the Peers, who were on the point of incontinently adopting others of the same tenor for themselves, when Richmond, 'though acting with the Court,' represented the desirability of rather more consideration and a special summoning of the Peers before coming to a decision.[1] A postponement was agreed to. 'Decency thus satisfied, their Lordships, on the 29th in happy harmony with the other House, made a parallel compliment of their privilege to the Crown.' The voting was 114 to 35.[2] Mansfield spoke for two hours, 'and carried away many of the Opposition, particularly Lord Lyttelton, and the greater part of the Duke of Newcastle's bishops.'[3] Mansfield's eloquence was no doubt invaluable to the Government on this as on many other subsequent occasions in the House of Lords, but as regards Lyttelton there seems to have been little need of persuasion, as on the subject of libels that pious peer expressed himself strongly. Privilege of parliament existed solely to enable members to do their work more efficiently; if it were used to protect the guilty from just punishment, 'sedition would be spread from one end of the Kingdom to another.' Libels were particularly heinous. 'If a foreigner were to take his ideas of England from the printed libels on both sides, he would think we had no government, no law, no God.'[4] Grenville, who heard the debate in the Lords, was highly delighted. 'The day was triumphant, like that in the House of Commons.'[5]

A protest was signed by sixteen peers. Temple[6] was its

[1] Walpole says 'in a very thin House'. The names of 73 peers are entered in the Journals for that day. Evidently the attendance had thinned. H. Walpole, *Memoirs of George III*, vol. i, p. 328; *L. J.*, vol. xxx, pp. 424–5.

[2] This includes proxies; 120 peers were actually present. See *ibid.*, p. 426; also *P. H.*, vol. xv, 1365–80.

[3] Walpole's *Letters*, vol. v, p. 402.

[4] See *Works of George, Lord Lyttelton* (ed. Ayscough, 1776), vol. iii, pp. 37–47.

[5] *Grenville Correspondence*, vol. ii, p. 230.

[6] Temple, as Wilkes's chief patron, had been dismissed from the Lord-Lieutenancy of Bucks., and his name struck off the Privy Council list.

chief sponsor, but it was supposed to have been drawn up by Chief Justice Pratt, the future Lord Camden. It was the longest protest then on record, but it is memorable for a better reason than that ; it is a powerfully argued indictment of the action taken by the House of Commons, and deserves to be read in full. It had been maintained that libel was a breach of the peace ; but it did not fall within the definition of a breach of the peace, given by the best authorities on the subject. Thus the Commons' resolution, affirming that all men guilty of this offence might be bound to the peace for it, was an assault on the liberty of the subject. ' By this doctrine every man's liberty, privileged as well as unprivileged, is surrendered into the hands of a Secretary of State,' who is, ' by this means, empowered in the first instance, to pronounce the paper to be a seditious libel, a matter of such difficulty, that some have pretended, it is too high to be entrusted to a special jury, of the first rank and condition,' to judge the party guilty and give sentence.

The protest next dealt with the Commons' resolution excluding seditious libel from privilege of Parliament. This, it declared, ' is not only a new law, narrowing the known and ancient rule ; but it is likewise a law *ex post facto, pendente lite, et ex parte*, now first declared to meet the circumstances of a particular case.' Moreover, this House was being ' called upon to give a sanction to the determinations of the other, who have not considered to confer with us upon this point, till they have prejudged it themselves '.[1]

On December 1 the House held a joint conference, and it

[1] *L. J.*, vol. xxx, pp. 426–9 ; *Complete Protests*, vol. ii, pp. 68–75. The protesters were on less secure ground when they proceeded to object to any emendation of the rules of privilege : for if members of the Legislature were pleased voluntarily to restrict their own immunities the community was the gainer.

Temple's part in these proceedings is eulogized in J. Almon's *History of the Late Minority* (1765), which is obviously written for the express purpose of extolling him as a champion who combated ' the monster of State Tyranny '. See esp. pp. 177–8. ' Fortunately for the future liberties of Englishmen . . . there lived at this time a Lord Temple ; whose unbounded generosity and public spirit, whose real love of liberty and his country, would not suffer him to see, with impunity, those great and alarming violations of the invaluable rights of Englishmen.'

was resolved that the offending No. 45 should be burnt by the common hangman. When this order was carried out on the 3rd there were serious riots, with which the municipal authorities found it hard to cope. The Duke of Bedford was much concerned at this, and on the 6th brought the circumstances to the notice of the House, and 'spluttering with zeal and indiscretion, broke out against the Lord Mayor and other magistrates for not quieting the mob'; but he received little support as Ministers did not relish the idea of a quarrel with the City on this issue.[1]

Early in 1765 the King was dangerously ill. On his recovery he was above all things anxious to make provision for the contingency of a minority. On April 29 the Government introduced a Regency Bill into the House of Lords.[2] It gave the King the right to nominate as regent the Queen or any other member of the Royal Family customarily resident in England. The crux of the whole situation was that Ministers were anxious to exclude the Princess of Wales from the regency, as they were extremely apprehensive of Bute's influence. Temple saw in the vagueness of the phraseology of this measure—the Royal Family being very extensive—an excellent opportunity for embarrassing the Administration. As Lyttelton put it, the bill in effect handed over the great powers of regency to an unknown person. Nevertheless, the opposition on the second reading was feeble, mainly owing to the fact that the bill was in many particulars based upon the previous Regency measure, for which Newcastle had been responsible; and this somewhat embarrassed the Duke and his followers. Only eight peers voted with Temple against the second reading. He was so disgusted that he took no further part in the proceedings.[3]

He was unnecessarily discouraged. In committee Ministers had an uncomfortable time. They were pressed to state who were included in the phrase the Royal Family; finally, on May 2, the Duke of Richmond moved an amendment that the

[1] *Grenville Corr.*, vol. ii, p. 235; Walpole, *Memoirs of George III*, vol. i, pp. 331–2.

[2] See on the whole matter full notes by C. Yorke in his *Parliamentary Papers*, Add. MSS. 35879, ff. 317–25.

[3] Walpole, *ut supra*, pp. 111–19; *Grenville Corr.*, vol. iii, p. 223.

persons capable of filling the regency should be declared to be the Queen, the Princess Dowager, and all descendants of the late King usually resident in England. There then ensued, in Walpole's phrase, 'a scene of folly and confusion,' the Government being much weakened by the absence of Lord Mansfield, who was by far their most powerful debater. After much squabbling the amendment was rejected. But it was to have a remarkable consequence next day, when during continued debate on the bill Halifax rushed impetuously into the House, and going up to Richmond inquired if he was satisfied. 'By no means,' answered the Duke, 'you have rejected my motion.' 'Then,' returned Halifax, 'if you will move it again, I will satisfy you.' Thereupon he made the announcement that it would be agreeable to His Majesty to have the bill recommitted and the words of Richmond's amendment inserted provided that the Princess Dowager's name was omitted.

The explanation of this remarkable occurrence was that the mere mention of the Princess's name by Richmond had filled the two Secretaries, Halifax and Sandwich, with such panic that on the morning of the 3rd they incontinently hastened to Buckingham House and represented to the King that if the Princess's name were allowed to appear in the bill the House of Commons would most certainly strike it out. Hence the announcement in the House of Lords that it was his Majesty's positive wish that his mother's name should be omitted. A slur had indeed been cast upon the Princess, but it had been done, at his Ministers' instigation, by her own son. Assured that it was the royal will that they should do so the Peers at once agreed to recommit the bill, which, with Richmond's amendment as modified by Halifax, received its third reading on May 6. The upshot was extraordinary. When the bill came before the Lower House it was decided by the overwhelming majority of 167 to 37 to adopt an amendment to insert the Princess's name, and it at once became apparent that the only persons who had ever wanted its omission were the Ministers. When the bill was returned to the Lords Sandwich had to undertake the humiliating task of moving the adoption of the Commons' amendment.

'Bedford and Halifax sat silent, making the most abject figures one can conceive!'[1] Although in a minority in both Houses, and unable to carry a motion, the Opposition had indirectly, through the bringing forward of Richmond's amendment, and aided by the Ministers' own foolish precipitancy, been the means of finally deciding George to get rid of an Administration which he cordially disliked.[2]

After futile endeavours to secure a more agreeable alternative the King, having thus broken with the Grenvilles and Bedfords, found himself compelled to accept an Administration representative of the great Whig clans. It included Newcastle,[3] but at its head was the solitary Marquis in the English peerage—the young Lord Rockingham. Three members of the late Government remained—Barrington, Egmont,[4] and Northington, who continued to be Chancellor.

The Rockingham connexion has been much glorified by the pen of its most brilliant adherent; posterity has on the whole approved its American policy and its schemes of economical reform. But this must not blind us to the fact that, had it not been for their association with the effulgent ideas and the broad sweep of Burke's political philosophy, the Rockinghams might figure in history simply as a set of uninspiring politicians, who believed very rigidly in the divine right of

[1] *L. J.*, vol. xxxi, p. 200; Walpole, *Letters*, vol. vi, pp. 225–36; *Grenville Corr.*, vol. iii, pp. 152–3.

[2] Fear of the Bute influence, which was Ministers' undoing in this instance, seems to have been almost a mania with them at this time. On May 13 the Lords, persuaded by Bedford's pronounced free trade views, rejected a protective duty on Indian silks, which had been introduced into the House of Commons in the interests of the native weavers, who were suffering much from unemployment. Two days later (May 15) several thousand unemployed Spitalfields weavers made an angry demonstration against the House of Peers, and attempted so ugly an attack on Bedford's coach that he narrowly escaped with his life. They then turned their attention to Bedford House, which had to stand a regular siege. The Duke and Duchess ascribed these events to the malevolent machinations of Bute, and in the House of Lords Halifax insinuated that the rioters had been incited by Bute. *L. J.*, vol. xxxi, p. 209; Walpole, *Memoirs of George III*, vol. ii, pp. 155–6; *Letters*, vol. vi, p. 239; *Grenville Corr.*, vol. iii, pp. 168–9.

[3] Newcastle had expected to be regarded as universal mentor by one so inexperienced as Rockingham; but before long, to his astonishment and disgust, he ceased to be consulted at all. See *Narrative of Changes in the Ministry, 1765–7* (ed. M. Bateson, Camden Society, 1898), pp. 36–7, 42.

[4] John Perceval, the second earl, 1711–70.

CHARLES, SECOND MARQUIS OF ROCKINGHAM

Caricature by James Sayers

government by the Whig aristocracy, for they were the lineal descendants of the Pelhams. It is typical of them that they never dreamed of giving Burke any but the most subordinate office. The Irishman might be a genius, but he was not one of themselves, a member of one of the great families, a peer or the relative of a peer. Burke—much as he eulogized them—had a hard task in trying to keep their noses to the grindstone. Their addiction to the pleasures of Newmarket and the hunting field often caused them to play truant from Westminster even at important crises. In the Rockingham vessel Youth being at the prow, Pleasure sometimes took the helm.

Rockingham himself was conscientious and universally respected.[1] Though his intellectual endowment was small, and he was more at home on the race-course than in the Council-chamber, on the other hand he had the invaluable capacity of inspiring loyalty in his followers, he was more successful in maintaining party cohesion than many abler men have been, and he could stand up to the King when occasion demanded it. But he was much more successful in the Cabinet than in Parliament. He was a bad and nervous speaker and seldom opened his lips in the House of Lords if he could avoid it. Sandwich once having delivered a spirited attack upon the Marquis, Gower made the facetious remonstrance: 'How could you worry the poor dumb creature so?'[2] The silences of Rockingham threw a special burden upon his chief lieutenant in the Upper House, the Duke of Grafton, who was in any case not very happy in the Ministry, since as a disciple of Pitt he considered that great man's association with the Administration indispensable, and Pitt refused to have anything to do with it. Grafton is one of the outstanding figures in the House of Lords in this period; it cannot be said that he is an amiable or attractive figure. Even if we discount any impression which may have been created upon our minds by the malignant bludgeonings of Junius, we are left with the picture of a young man unfitted by temperament and character for high office in the State.

[1] See Albemarle, *Memoirs of Rockingham*, vol. i, p. 140.
[2] Walpole, *Memoirs of George III*, vol. ii, p. 446.

In later years he became a reformed character, but his private life as a young man was an open scandal in marked contrast with the courtly dignity of his demeanour, while his indolence, his excessive devotion to the turf and the hunting field, his lack of firmness and decision rendered him incapable of controlling a Cabinet—a task which fortune was to thrust upon him in the near future.[1]

The only notable proceedings in the House of Lords during the first Rockingham Administration are connected with its American policy—the policy of repealing the Stamp Act, but of accompanying the repeal by a bill declaratory of the rights of the British Parliament over the colonies. Certainly the King, probably the general opinion of the country, would have refused to accept the repeal without the Declaratory Act. All went well in the Upper House when the new Ministry first met Parliament. A hostile motion relating to America brought forward by Lord Suffolk[2] during the debate on the address on December 17, and supported by Bedford, Gower, Sandwich, Halifax, was defeated by the handsome majority of 80 to 24, ' though the new Opposition had flattered themselves that in the House of Lords lay their greatest strength.' Bute's assistance had been counted upon, and it was not on this occasion forthcoming.[3] Again, when the House came to grips with the American problem after the Christmas recess, and on February 3, 1766, Pratt, now elevated to the peerage as Lord Camden, challenged the Government—as Pitt did in the Commons—with a strong indictment of the whole principle of the Declaratory Act, the result was ignominious. In this his first speech in the House he strenuously denied Parliament's right to levy internal taxes on the Colonies. He was no match for Mansfield, who, in the words of one auditor, ' cut him to pieces upon every point of the argument,' in a speech which—according to the same authority—' in the opinion of all with whom I have conversed, was the

[1] For a more favourable view see Sir William Anson's introduction to *Grafton's Autobiography*; and J. Cradock, *Literary and Miscellaneous Memoirs* (ed. J. B. Nichols, 4 vols., 1828), vol. i, pp. 116–17.

[2] The twelfth earl, 1739–79.

[3] *L. J.*, vol. xxxi, p. 227; Walpole, *Memoirs of George III*, vol. ii, pp. 236–7.

strongest in reason and the most eloquent in words that ever was heard in the House.' Camden unwisely challenged a division, when there voted 125 against him, and only four particularly youthful peers for him.[1]

But after this the Ministry fared less well. Camden, a man of no great intellectual distinction, despite his fame,[2] could secure small support for Pitt's views on American taxation in the House of Lords, but the enmity of Pitt himself in the other Chamber was a serious danger; and in the Upper House the formidable character of the Opposition made itself apparent next day, February 4, when Grafton moved a resolution that the governors of the American provinces should be recommended to give compensation to persons who had suffered in recent riots. Suffolk proposed the substitution of the word *require* for *recommend*. Grafton at first accepted the amendment, but later in the debate changed his mind. Mansfield, Bedford, Gower, Sandwich, and Temple spoke for the amendment; Camden this time supported the Government. After 'a long and tedious altercation' the Ministers were defeated by 63 to 60. The amendment was perhaps in itself of no great importance; but the defeat was most significant and ominous. 'The great event was that Lord Bute voted with the Opposition . . . and drew after him very many Lords in employment.' The Duke of York voted on the same side, 'so that many began to prophesy a change of administration.'[3] In the good old Pelham days Ministers could look to those in employment to support them

[1] *Grenville Corr.*, vol. iii, p. 357; *Caldwell Papers*, vol. iii, pp. 68–70. 'Never was a poor Chief Justice so mauled as Camden was last night.' The peers were Shelburne, Paulet, Cornwallis, and Torrington. In the House of Commons only two members spoke in support of Pitt, who did not challenge a division.

[2] His views on the American Question recommend him to the American critic. Cf. R. G. Adams, *Political Ideas of the American Revolution* (1922), p. 127. 'There was one Englishman, however, who had read his Locke, who understood his constitutional law, and who seems almost like a voice crying in the wilderness of parliamentary sovereignty and supremacy. . . . He seems to have been singularly overlooked by posterity, and one cannot forbear expressing the hope that when his life is written, it will be written either by an American or by an Englishman who understands the American view.'

[3] *Grenville Corr.*, vol. iii, pp. 357–60; H. M. C., *MSS. of Mrs. Stopford Sackville*, pp. 106–7: Lord G. Germaine to General Irvine, Feb. 10, 1766.

without question ; it was otherwise now. The Crown itself was the effective, the permanent bestower of benefits.

On February 6 Ministers were once more defeated. Lord Weymouth [1] moved that thanks should be tendered to the governors and officers in America who had helped to carry the laws into execution. Temple proposed that the Stamp Act should be specifically mentioned. Bute, while refusing to discuss the merits of the Stamp Act, supported Temple in a short but spirited speech, in which he said that something stronger than mere resolutions was needed to maintain the legislative authority of Great Britain. This time two members of the royal family voted against the Government—the Duke of Gloucester as well as the Duke of York. Still more significant, the Lord Chancellor voted against his colleagues. The Administration was beaten by four votes on this occasion.[2] Bedford had loudly applauded Bute's speech, and on February 12 he and Grenville met Bute and, expressing their gratification at finding themselves at one with the Earl on the great question of the day, suggested a close alliance with the man upon whom only a short while ago they had been lavishing abuse. Bute treated these flattering speeches with a great deal of *hauteur*, and definitely declined the overtures.[3] A powerful organized Opposition consisting of the Grenville, Bedford, and Bute factions there was not to be. The seriousness of the situation lay not in Bute's relations with other parties but in his relations with the King. What was George's attitude towards his Ministers ? Was he loyal to them or secretly working for their downfall ? Different interpretations were placed upon Bute's action, but Newcastle recorded : ' I and many others thought (and I think the event proves it) that it was to show that he really knew his Majesty's opinion and therefore acted as he did.' [4]

On February 10 [5] there took place the celebrated interview

[1] Third viscount, 1734–96 ; created Marquis of Bath in 1789.

[2] *Caldwell Papers*, pp. 70–1 ; *Stopford Sackville MSS.*, p. 107.

[3] *Caldwell Papers*, vol. iii, pp. 74–5 ; *Grenville Corr.*, vol. iii, p. 363 ; *Bedford Corr.*, vol. iii, p. 329 ; Walpole, *Memoirs of George III*, vol. iii, pp. 294–5.

[4] *Newcastle's Narrative*, p. 51.

[5] On this day in the Lords the House formally accepted the amendments passed in Committee. The debate given in *P. H.* (vol. xvi, 163–77) as

between the King and Lord Strange, the Chancellor of the Exchequer and son to Lord Derby, at which the King remarked that he heard it was being given out that he was in favour of the repeal of the Stamp Act, and that this was not the case. The story of the interview soon spread—to the natural consternation of Rockingham. It was certain that if the story was not contradicted not a single placeman in either House would vote for the repeal; it would infallibly be defeated. Rockingham now had an audience, at which his Majesty declared that what he had really said was that he preferred repeal to the punitive enforcement of the Stamp Act, but that he preferred the modification of the Act to either course.[1] This explanation appreciably eased the situation; but the posture of affairs was none too satisfactory. The Government was being hard pressed in the Commons; and it was impossible to predict what would happen in the other House. Denbigh, Master of the Fox Hounds, asked leave to resign his post, as he intended to vote against the Court on the repeal; when Ministers asked the King to dismiss certain of his servants who had acted with the Opposition they met with a blank refusal. That the Bute contingent and a certain proportion of the place-men would vote against the repeal was certain. What that proportion was it was not possible to foretell.

In spite of everything the Ministry eventually prevailed, and the inference appears to be legitimate that the King, though he did not wish to be personally associated with the policy of repeal, yet did not wish it to fail.[2] The House of

taking place on Feb. 10 seems really to be the debate in Committee on Feb. 3. Camden is reported as referring to his speech as his first in the assembly, and Mansfield answers with precisely the same arguments which from other sources we know him to have used on the 3rd.

[1] *Grenville Corr.*, vol. iii, pp. 362, 364–6; *Rockingham Memoirs*, vol. i, p. 261; Walpole, *Memoirs of George III*, vol. ii, pp. 288–90.

[2] Cf. Winstanley, *Personal and Party Government*, p. 268. 'Save for his [the King's] remark to Lord Strange, there is no proof that he intrigued against his Ministers; and it may have been due to the moderation of the Crown that the Government was not pushed harder than it actually was.' Probably considerations of trade had most to do with the success of the repeal. See Walpole, *Memoirs of George III*, vol. ii, p. 298; *Annual Register*, 1766, vol. ix, Hist. pp. 33–4. Rockingham was himself partly to blame. For example, he had allowed Lord Barrington to become Secretary-at-War

Commons finally approved the repeal by 250 to 122.[1] The Repeal and Declaratory Bills were brought up to the House of Lords on March 5.[2] The committee stage of the former lasted longer, so that while the Declaratory Bill received its third reading on March 13 the Repeal Bill was not through till the 17th.[3]

We have little record of these proceedings. On March 10 the Lords made what Mr. Rouet terms 'a peevish order against the admission of strangers',[4] so that we are deprived of his evidence which, judging from his impressions of the debates of the previous month, is a real misfortune. We know, however, that the second reading of the Declaratory Bill was taken 'without much debating';[5] that in these discussions the duel between the two Lords Chief Justice Mansfield and Camden was resumed; that on the 17th the Lords debated the repeal 'with great coolness and dignity', and that Bute in the opinion of his admirers 'made a very proper and spirited speech', on the 'dangerous consequences' of repeal, which he hoped, however, might be avoided by the vigour of the Government's preventive measures.[6] Camden evidently indulged in some very unconvincing bombast. It was waste of time to consider the details of the Declaratory Bill since its very existence was 'illegal, absolutely illegal, contrary to the fundamental laws of nature, contrary to the fundamental laws of this constitution'. Taxation and representation were 'inseparably united; God hath joined them, no British Parliament can separate them'.[7] Such facile sophistries sound odd upon the lips of a man who had a great reputation as a judge; but his whole-hearted championing of the rights of the individual as the corner-stone of Whiggism explains why Camden was the one lawyer in whom Pitt had faith.

with the understanding that he might oppose his colleagues on the Stamp Act question. See *Political Life of Barrington* (1814), p. 119.

[1] Walpole, *Memoirs of George III*, vol. ii, p. 307; *C. J.*, vol. xxx, p. 627.
[2] *L. J.*, vol. xxxi, p. 291. [3] *Ibid.*, pp. 303, 307, 311.
[4] *Caldwell Papers*, vol. iii, p. 80. [5] *Ibid.* [6] *Ibid.*, p. 81.
[7] *P. H.*, vol. xvi, 177–81. Walpole says that Camden 'detected Lord Mansfield, who had quoted two laws that had never existed'. *Memoirs of George III*, vol. ii, p. 307.

The decisive division in the Repeal Bill was evidently the one on the motion to commit (March 11), when this was accepted by 73 to 61. Proxies being called for the final figures were 105 to 71.[1] Thirty-three peers appended their names to what Mr. Rouet describes as 'an elegant but tedious protest', which had been drawn up by Lyttelton, in which it was maintained that the system of an *imperium in imperio* was incompatible with any sort of government, and that 'on the acknowledgement of this truth, without any subtle distinctions, depends the whole peace and order of society'.[2] On the third reading there seems to have been no division, but another long protest argued that the repeal of the Stamp Act under present circumstances surrendered the honour and the essential interests of the Kingdom for ever.[3]

The Rockingham Administration did not long survive its success. The failure of repeated efforts to come to terms with Pitt had rendered Grafton thoroughly dissatisfied. Before the end of April he resigned. Subsequently in the House of Lords he explained his motives. He knew, he said, of but one man capable of giving the Government strength and solidity. 'Under this person, he would be willing to serve in any capacity, not only as a general officer, but as a pioneer, and would take up a spade and mattock.'[4] There followed the defection of Northington. Having quarrelled completely with his colleagues he informed the King in July that the Administration was moribund:[5] whereupon George at once decided to hasten its end.

The result was the formation of that non-party Government under Pitt which Burke likened to 'a tessellated pavement without cement'. The majority of its members were, as usual, recruited from the peerage, the principal being Grafton, Shelburne, Camden, Northington, and Egmont.

[1] *P. H.*, vol. xvi, 181; *Caldwell Papers*, vol. iii, p. 81. Dr. Hunt, *Political History of England*, vol. x, in error gives these figures for the final debate on the 17th. There is a list of the placemen who voted against the repeal in Winstanley, *Personal and Party Government*, p. 307.

[2] *P. H.*, vol. xvi, 166–8; Phillimore, *Life of Lyttelton*, vol. ii, pp. 694–5.

[3] *L. J.*, vol. xxxi, pp. 311–13; *Complete Protests*, vol. ii, pp. 84–9.

[4] *Grenville Corr.*, vol. iii, p. 243; *Grafton's Autobiography*, p. 74; *Chesterfield's Letters*, p. 1339.

[5] *Rockingham Memoirs*, vol. i, pp. 350–5.

So began the great experiment, tersely and aptly described as one of ' measures, not men '—the attempt to carry out under the leadership of the people's champion of a national policy, void of faction, which was the ideal of the ' patriot King '. The success of the experiment depended entirely upon the leader. Burke's simile of the ' pavement without cement ' was inexact. Pitt's personality provided the cement. But at the very outset the immense value of that asset was largely discounted when Pitt decided to take a peerage. A contemporary lampoon suggested that this marked the end of his influence.

Here dead to fame lies Patriot Will,
His monument his seat,
His title, are his epitaph,
His robes his winding sheet.[1]

In resolving to enter the House of Lords at this juncture Pitt was no doubt partly actuated by the knowledge that his health was impaired ; but he was apparently also convinced that the main scene of opposition to his non-party Administration would be the House of Lords, where the chiefs of the family connexions which he so much hated were assembled. The entrance of Chatham into the Chamber is an outstanding event in its history, and some of his most memorable and noblest speeches were delivered there. It is true that he never acquired the ascendancy over the Upper House that he so easily wielded over the Commons, that his theatrical style of oratory was not suited to the far less responsive atmosphere of the House of Lords.[2] The autocratic tone which he could adopt with impunity in the Commons was resented by some of the Peers, who disapproved of the demagogic arts of the great popular minister. He was never really comfortable amid the placid solemnity of the Upper House. On the other hand, Chatham could not be other than a commanding figure, however alien his surroundings. Whenever it became known

[1] See also other squibs of a like character, referred to in Williams, *Chatham*, vol. ii, p. 213 *n.*

[2] Cf. Walpole, *Memoirs of George III*, vol. ii, pp. 410–11. ' The silence of the place, and the decency of debate there, were not suited to the inflammatory eloquence by which Lord Chatham had been accustomed to raise huzzas from a more numerous auditory.'

that he proposed to take part in a debate, the House was crowded with members and with strangers below the bar. Again, it is doubtful whether even in the days of his greatest glory during the Seven Years War Chatham reached so heroic a height as when in his later days he fought his lone battle against the American policy of Lord North, against the King's system, against what he regarded as the menacing onslaught of a faithless House of Commons upon the fundamental liberties of Englishmen, or when he exhorted the House of Lords to redress the balance of the constitution thus imperilled. His extraordinary capacity to arouse reverence and even terror had not departed from him in his old age. Of one of Chatham's latest speeches Grafton records that he had never heard anything so powerful, even from the lips of the same orator ; [1] and for sheer eloquence several of his latest utterances are unsurpassed in the history of British oratory. It is the magnetic personality of Chatham that supplies the dominant interest in the history of the House of Lords up to the date of his death.

The combination of George III and Chatham ought to have been most powerful, and the prospects at first seemed favourable. The Grenvilles and Bedfords would certainly oppose, but the Rockinghams were pacified by the bestowal of certain appointments, mainly in the household, upon some of their members. But Chatham was tactless. The promotion of the Earl of Northumberland to a dukedom gave umbrage to other important peers, especially as George III made it a condition of acquiescence that there should be no more new dukedoms for a long time to come.[2] The dismissal of Lord Mount-Edgcumbe, one of Rockingham's followers, in order to reward the apostasy of a nephew of Newcastle, was followed by the resignation of all the office-holders belonging to the Rockingham connexion, with the single exception of Conway.[3] Thus were the Rockinghams gratuitously transformed into ene-

[1] *Autobiography*, p. 295.

[2] See *Chatham Corr.*, vol. iii, pp. 74–8, 88. Northumberland had been one of Bute's following ; he had married his eldest son to a daughter of Bute. The Earl of Montagu was made a duke at the same time.

[3] *Ibid.*, pp. 126–9 ; *Rockingham Memoirs*, vol. ii, pp. 19–24. Mount-Edgcumbe was the third baron, first earl, 1721–95.

mies, to Chatham's apparent unconcern. He filled the vacant places with such nonentities of the Bute interest as Lord Despencer, the Sir Francis Dashwood of cider-tax fame.

The new Administration met Parliament on November 1, 1766, and found itself at once placed upon the defensive.[1] There had been a singularly bad harvest, and although the price of corn was not yet at the level at which its exportation was prohibited by law, the Government had decided during the recess that the placing of an immediate embargo on exportation was necessary. This was done by a Privy Council order of September 24. It was plainly an illegal act, justifiable on account of immediate necessity perhaps, but requiring subsequent Parliamentary sanction. Yet there was no mention of it in the King's speech, and Ministers appeared sublimely unconscious of the fact that any explanation of their action was necessary. Bedford, speaking in quite a temperate way, argued that Parliament ought to have been summoned earlier, and Suffolk moved an amendment to the address to this effect.[2] The debate, otherwise rather dull, was noteworthy for Chatham's maiden speech in the House. Its exordium was most grandiloquently phrased in terms of almost oriental deference, the greatest of living Englishmen professing himself overcome at addressing the hereditary counsellors of the realm for the first time. He ridiculed the idea that there would have been any advantage in summoning Parliament a fortnight earlier. Mansfield, supported by Temple and Lyttelton, stood forth as the champion of liberty ; ' from aversion to Lord Chatham and his Chancellor Camden, was now the advocate of the Constitution.' The defence of the embargo was undertaken by Northington and Camden—by the latter in a speech most infelicitously phrased, in which he declared that ' if it is not yet in our laws, it ought to be so, that *salus populi suprema lex*. If this act was a stretch of prerogative, *it was but a tyranny of forty days*.' [3] By precisely the same argument had the Stuarts justified their most arbitrary proceedings.

[1] *L. J.*, vol. xxxi, pp. 424–5.
[2] *Stopford Sackville MSS.*, vol. i, pp. 114–15.
[3] Walpole, *Memoirs of George III*, vol. ii, p. 372 ; *Cavendish Debates*,

Although no division was taken on Suffolk's amendment, the Government was forced to perceive that an Indemnity Bill was necessary. There was an important debate on the second reading of this measure,[1] when Camden and Northington repeated their dispensing doctrine and Mansfield 'who stood on the legal ground, lashed them all severely, and acted with more spirit in his replies than he had ever done'.[2] Another effective speech on the same side was made by one of Rockingham's chief supporters, the young Duke of Richmond.

Charles, third Duke of Richmond and Lennox, like Grafton, prided himself upon being of the blood-royal. In later years he was to prove one of the most notable figures in the House, pertinacious in attack, obstinate in pressing a case.[3] Horace Walpole became a most devoted admirer, declaring him to be 'inflexible and humane beyond example . . . a great model to all our factions'.[4] Remarkably handsome in person, dignified in demeanour, his character was marred by a hasty temper,[5] lack of self-control and inability to concentrate for long at a time, to the distress of Burke, who was ever solicitous for the spiritual well-being of the young nobility of his party.[6] Moreover, although he was at one time notorious as an advocate of a democratic programme, which included manhood suffrage (because he believed it would enhance the influence of men of property),[7] in his later years he recanted and he was arrogant by nature, full of the pride of birth. In the course of the present debate, Chatham, in one of those sonorous phrases in which he took delight, exclaimed: 'When the people condemn me I shall tremble, but I shall

vol. ii, p. 594 *n*. The latter account gives Flood's impressions. 'Both the men were misplaced, the artifice and almost chicanery of Lord Mansfield was suited to Camden's ground, and the simplicity, frankness and warmth of Lord Camden would have become Lord Mansfield's situation.'

[1] *P. H.*, vol. xiii, 250–313, where the arguments against the Bill are compressed into the form of a single speech, which was fabricated by Temple and Lyttelton; *Grenville Corr.*, vol. iii, pp. 396–7; Walpole, *Memoirs of George III*, vol. iii, pp. 407–10.

[2] *Caldwell Papers*, vol. iii, p. 96.

[3] N. Wraxall, *Historical Memoirs* (1904 ed.), p. 371.

[4] Walpole, *Letters*, vol. xi, p. 192; *Memoirs of George III*, vol. i, p. 26.

[5] *The Royal Register*, vol. i, pp. 53–5.

[6] See Burke's *Correspondence*, vol. i, p. 376.

[7] This is made clear in his *Letter to Lieut.-Colonel Sharman* (1783).

set my face against the proudest connexion in the country.' The Duke, regarding this shot as aimed particularly at the party to which he himself belonged, retorted angrily, denouncing Chatham's ' insolent behaviour to the first nobility in the Kingdom ', and expressing the hope that the peerage would not suffer themselves to be ' brow-beaten by an insolent Minister '. When Chatham, evidently amazed at finding himself so rudely handled by a mere youth, made a very warm rejoinder, Richmond, looking at Bute as he spoke, congratulated Chatham on *his* new connexions. Then the House intervened, and both made their apologies.[1] This, although only the second, was also the last appearance of Chatham in the House of Lords as a Minister. Soon afterwards he retired to Bath and in the summer he was visited by the obscure but terrible malady which deprived the Ministry of its leader's guidance altogether.

In April and May 1767 American topics dominated all others in Parliament. The assembly of Massachusetts had decided to grant an indemnity to all persons in that colony who had been guilty of political offences during the anti-Stamp Act agitation. On April 10 Bedford raised the question of the legality of this proceeding. The Government succeeded in carrying the previous question by the safe majority of 63 to 36.[2] Its easy victory was due to the fact that on this issue the Opposition was as yet much divided. But already negotiations with a view to co-operation between the Rockingham and Bedford connexions had begun, with the benediction of Newcastle.[3] The relations between the two parties improved, and when the Massachusetts indemnity question was again raised on May 5 they acted together, with the result that the Government's majority in the House of Lords dropped from 27 to 10.[4]

In consequence of this new combination against it, the Government was in really serious trouble throughout the month of May—on the thirteenth day of which month the

[1] See Williams, *Chatham*, vol. ii, p. 229.

[2] *Grenville Corr.*, vol. iv, p. 222.

[3] *Ibid.*, p. 8 *n.* ; *Newcastle Papers*, Add. MSS. 32981, ff. 125, 156.

[4] *Grenville Corr.*, vol. iv, pp. 11–14. See also Winstanley, *Lord Chatham and the Whig Opposition* (Cambridge, 1912), pp. 135–6 *n.*

irrepressible Charles Townshend, the evil genius of the Ministry, proposed the imposition of new duties on the American colonies.[1] He at the same time made it clear that the Government intended to deal firmly with cases of American disobedience. Notwithstanding this, the Opposition pressed its advantage on the Colonial Question, fastening with avidity upon the action of the Massachusetts assembly as affording them a favourable opportunity. Government having in full House the advantage of 30 proxies to the Opposition's 10, the latter decided to press for papers, which would mean the House being resolved into committee, when proxies could not be used and there was the prospect of close voting in consequence. The House being thus in committee on May 23, Gower moved that the judges should be asked whether the Massachusetts free pardon was not repugnant to the laws of England. There was the usual duel between Camden and Northington on the one side, and Mansfield on the other. One member of the royal family, the Duke of York, actually spoke for the motion, though the King had written to him asking him to go down to the House in order to support Ministers. He abstained from voting. Two other princes, obedient to the royal wishes, voted for Government. When the King had to summon his brethren to the rescue of Ministers, their situation in the House of Lords was precarious indeed. They scraped through on the present occasion by 62 to 56. 'Seven bishops were in the minority—the consequence of the Crown permitting great lords to nominate to bishoprics.'[2] Newcastle was highly delighted, and next day wrote jubilantly to Rockingham: 'The good appearance we made has done me so much good that I have not been so well, or slept so well, of some time as I did last night.' He had great hopes of actual victory when the committee should next meet.[3]

On that day, May 26, the Opposition did indeed improve

[1] These duties on papers, paint, glass, &c., were accepted by the Commons on June 2, *C. J.*, vol. xxxi, p. 394.

[2] For this debate see *Cavendish Debates*, vol. ii, p. 602; Walpole, *Letters*, vol. vii, p. 111; *Memoirs of George III*, vol. iii, pp. 45–6; *Grenville Corr.*, vol. iv, p. 224. See also lists of the peers who voted for and against the motion, *Newcastle Papers*, Add. MSS. 33037, ff. 17–20.

[3] *Ibid.*, 32982, ff. 95, 99.

their position, but fell just short of complete success. The debate was warm, Denbigh, one of Bute's men, making a bitter attack upon Mansfield. The Administration was saved by 65 to 62.[1] This proved the high-water mark of the Opposition's effort, for on June 2 three motions brought forward by Richmond were rejected by 73 to 61. 'This was reckoned a great victory after the Court had been so hard run in the last division,' comments Walpole. But Lord George Germaine observes: 'I do not find the Ministry are much elated by such victories.'[2]

During the month of June the Opposition in the Lords had a new opportunity for embarrassing the Government. The affairs of the East India Company had recently been much before the public eye. The position of a trading corporation administering great territories was beginning to appear anomalous, and the luxurious existence of individual nabobs home from India tended to give an exaggerated idea of the prosperity of the Company, prosperous as it was. Chatham saw that the whole big question of the Company's territorial rights, governing powers, and financial obligations called for an exhaustive inquiry, which he wished Parliament to undertake. He did not himself, unfortunately, adumbrate a policy; and then his fatal retirement left the whole question to be dealt with by the volatile Townshend. To the latter's mind the problem presented itself solely as affording an opportunity for a simple financial deal. The Company should be saved from an awkward investigation into its status in India on condition that it made a handsome contribution to the national exchequer. After all, the Company owed its great gains in India to Government troops and other Government assistance as well as to its own efforts. The upshot was the introduction by Ministers of two bills, one fixing the Company's contribution at £400,000 for two years —after which the situation was to be revised—the other limiting the Company's dividend to the existing figure, 10 per

[1] *Newcastle Papers*, Add. MSS. 33037, ff. 51–4; *Newcastle's Narrative*, pp. 102–3.

[2] Walpole, *Memoirs of George III*, vol. iii, p. 54; *Stopford Sackville MSS.*, pp. 123–4.

cent.[1] The Rockinghams and Bedfords joined in representing the latter bill as an iniquitous attack upon the rights of property. It was strongly attacked in the Commons—the Company presenting a petition against it—but it passed easily, owing to the ability of Jeremiah Dyson, a man otherwise of small note, who was managing the House for the Court, and to the votes of the place-men.[2] The bill was carried to the Lords in June 1, and for the best part of the month it was fought strenuously there throughout its stages,[3] the House sitting day after day and the altercations in committee being very sharp.[4] It was nearing the end of the session. 'The House of Lords is the scene of action', observes Sackville. 'The country gentlemen cannot be kept in town all the summer, so the business in the House of Commons remains at the mercy of the Court.'[5] But the Court was also prospering in the Upper House, despite what Newcastle regarded as the magnificent case against 'the most unjust and most destructive bill, with regard to private property, and public credit'. Ministers secured larger majorities on this issue than on that of America, the Court bringing to the House some who had not appeared at Westminster for years, 'and some who had scarce ever voted before.'[6] The bill was eventually carried by the comfortable majority of 59 to 44. A protest was entered, drawn up by Burke and Mansfield, certainly a very odd conjunction.[7]

The Government had apparently survived the crisis in the House of Lords, which had been at its worst in May. But it had been very seriously shaken. Chatham's apprehensions had proved to be well justified. The worst danger had been

[1] The bills were complementary, the Dividend Bill being a kind of insurance for the £400,000. The shareholders on May 6 promptly voted themselves a dividend of 12 per cent.

[2] *C. J.*, vol. xxxi, p. 389; Walpole, *Memoirs of George III*, vol. iii, p. 48.

[3] Third reading, June 26. See *L. J.*, vol. xxxi, p. 654.

[4] *Newcastle Papers*, Add. MSS. 33037, ff. 111–12, 115–16, 144–50, 155–6; Walpole, *Memoirs of George III*, vol. iii, p. 56; *Cavendish Debates*, vol. ii, p. 604.

[5] *Stopford Sackville MSS.*, p. 123. [6] *Newcastle's Narrative*, pp. 102–3.

[7] *Complete Protests*, vol. ii, pp. 89–96; *Newcastle Papers*, Add. MSS. 30037, ff. 149–55, for lists of the voters. The names of 60 peers are given as voting for the bill, though the total is entered as 59.

in the Upper House ; but when it had presented itself, he had not been there to meet it. Grafton had been greatly perturbed, feeling himself incapable both of controlling his own Administration and of meeting the assaults of the Opposition. If only he could have an interview with his chief! It was refused.[1] Eventually the King came to the rescue and himself on May 30 wrote a letter to the invalid, reiterating the request of an audience for Grafton. The situation, he explained, owing to the recent narrow majorities in the House of Lords, was ' extremely critical '. At the same time he expressed himself as confident, ' while I have sixty-five present and thirty proxies in the House of Lords to stand for me, besides a majority of 151 in the House of Commons against 84,' if only Chatham would come out of his seclusion even a little. The Bedfords and Rockinghams, as he put it, were ' joined with intention to storm my closet ' ; but the Administration could count upon his firm determination to resist the assaults of faction.[2] The desired interview between Chatham and Grafton took place. The Duke declared that either he must resign or an alliance must be made with the Rockinghams or the Bedfords. Chatham apparently consented to the latter course, expressing a preference for the Bedfords. This acquiescence signalized the definite failure of Chatham's experiment. The attack in the Lords upon his composite Ministry, apparently defeated, had actually succeeded. But it is important to note against whom it had been successful. Not against the King. George III, with his place-men in the Commons, with the assistance in the Lords of his own family and of ' backwoodsmen ' whipped up from their rural seclusion, had not been defeated. It was Grafton that had been vanquished.[3]

There is no need to follow here the complicated story of the negotiations which Grafton carried on during the ensuing weeks, except to say that one result of the parleys was to create violent altercations between Rockingham and Bedford and so to destroy the unanimity of the Opposition. New-

[1] *Grafton's Autobiography*, pp. 132–3 ; *Chatham Corr.*, vol. ii, pp. 255–6.
[2] *Ibid.*, pp. 261–2.
[3] See *Grafton's Autobiography*, p. 137.

castle's efforts to heal the breach proved fruitless.[1] Thus, when a new session opened in November 1767, although Grafton had not yet brought his negotiations to a successful conclusion, the pressure had already been sensibly relieved, and Grafton counted on a majority of forty in the House of Lords. In this calculation Newcastle believed him to be mistaken.[2] The question is of no consequence, since, before Christmas, the Administration had been reinforced by the Bedford influence.[3] The vital principle of Chatham's Ministry had now gone. The Bedfords came in, not as individuals peculiarly fitted for the posts to which they were admitted, but as a clique. 'In the House of Lords', Grafton records, 'this accession of strength was essentially felt; and damped every expectation which the other parts of Opposition might have formed to have embarrassed the Administration.'[4] After a general election more than usually corrupt it became clear that the Bloomsbury Gang were the predominant element in the Government. Conway at last felt compelled to resign; in October Chatham left a Ministry which had long ceased to be his in any sense; six days later Shelburne followed. Of Chatham's men only Camden, the Lord Chancellor, remained.

The accession of strength in the Lords felt by Grafton when the Bedfords were incorporated is appreciably felt also by the student of the House in the ensuing period. Debates became dull and unimportant. Reinforced by a powerful element in the Opposition, the King and Grafton had nothing to fear. The Opposition that remained was divided and could cause no embarrassment. The year 1768 is not dull in the annals of the House of Commons, because this was the year of the Middlesex election: but only the feeblest echoes of this excitement penetrated to the secluded precincts of the

[1] See Grenville's diary in his *Correspondence*, vol. iv, pp. 227–32; *Grafton's Autobiography*, pp. 142–82; *Newcastle's Narrative*, pp. 100–69; Bedford's Narrative in *Cavendish Debates*, vol. ii, pp. 606–7.

[2] *Newcastle Papers*, Add. MSS. 32986, f. 243.

[3] Bedford, now almost blind, did not accept office; but Gower became Lord President in place of Northington, who was now entirely worn out through over-indulgence in his favourite beverage.

[4] *Grafton's Autobiography*, p. 183.

Peers, save when on May 10, at the opening of a new Parliament, the roar of an angry mob could be heard outside, Lord Egmont being inspired by its excesses to declare that 'the Lords alone can save the country; their *dictatorial* power could and had authority to do it'.[1]

The American Question, also, was very pressing during 1768; but while the determination to deal sternly with the unruliness of the colonists, reflected in the threatening Hillsborough resolutions of December, occasioned animated proceedings in the Commons, in the Lords, where they were first introduced on the 15th, the atmosphere was languid. Temple in a very ineffectual way threw contempt on a mere paper war with the Colonies, and then walked out of the House; Richmond and Shelburne seem to have been equally ineffective, and there was no division.[2] In the spring of 1769, while Grafton was beginning to have doubts as to the efficacy of methods of force, their lordships were far less concerned with the problem of how to govern America than with a *cause célèbre*, the Douglas-Hamilton case, the hearing of which thronged the House, and gave the coarse mind of Sandwich a splendid opportunity of shocking the bishops by diving into its most indelicate details.[3]

The year 1770 brought an atmosphere of far greater reality into the House of Lords; for Chatham, restored to health and to the full use of his faculties, returned to it, determined to wage war against his former associates. The effectiveness of his attack was dependent to a large extent upon the measure of co-operation he could secure with the Rockinghams. The death of the old Duke of Newcastle had removed a great stumbling-block; but the Rockinghams were not very cordial. Burke in particular had by this time come to dislike Chatham very thoroughly.

At the opening of Parliament on January 9, 1770, the King

[1] Walpole, *Memoirs of George III*, vol. iii, p. 205; H. M. C., *Dartmouth MSS.*, vol. iii, p. 188. [2] *P. H.*, vol. xvi, 476–7 *n.*

[3] The appellant claimed to be the true son of Lady Jane Douglas, and therefore heir to the estates of the late Duke of Douglas against their present holder, the Duke of Hamilton. For details see *Cavendish Debates*, vol. ii, pp. 616–18; Walpole, *Memoirs of George III*, vol. iii, pp. 298–307; *Intimate Society Letters of the Eighteenth Century*, vol. i, pp. 96–121.

in the speech from the throne devoted all his eloquence to a cattle disease which was prevalent in the country.[1] This gave Chatham a splendid opening. He professed himself concerned for the distemper among the cattle, but far more for the distemper of the body politic. In a speech which was made memorable by a glowing eulogy upon the spirit of liberty, which like the vine in Scripture had spread from east to west, from Europe to America, till it embraced whole nations under its branches and sheltered them with its leaves, he made a special appeal to the Peers. They were no longer like their feudal ancestors who had power and purposes apart from the rest of the nation. 'It was therefore their highest interest as well as their duty, to watch over, and guard the people; for when the people had lost their rights, those of the Peerage would soon become insignificant.' He moved as an amendment to the address that the House should take into consideration the causes of the discontents, which prevailed so widely through his Majesty's dominions, and especially the late proceedings of the House of Commons.[2]

Camden, quickened at last by the reappearance of his old leader, supported the amendment in terms which showed how great a relief it was to his conscience at length to avow his true sentiments. Mansfield, speaking with studied moderation, urged the impropriety of interference in a matter which was the sole concern of the House of Commons. For their lordships to comment upon the Middlesex election would be 'to carry up to the throne a railing accusation against the Commons, which, perhaps, might excite a flame between the two Houses, which might not be so easily allayed'.

Chatham's speech in introducing his amendment had not been, as he seems himself to have realized,[3] one of his con-

[1] *L. J.*, vol. xxxii, p. 393. [2] *Ibid.*, p. 395; *P. H.*, vol. xvi, 647–53.

[3] See J. Cradock, *Literary and Miscellaneous Memoirs* (ed. J. B. Nichols, 4 vols., 1828), vol. i, p. 101. Cradock says of his first speech that Chatham 'spoke only for a short time, was confused and seemed greatly disconcerted'; of the second: 'He suddenly arose, and poured forth a torrent of eloquence that utterly astonished; the change was inconceivable, the fire had kindled and we were all electrified with his energy and excellence.' Cradock is not explicit as to the date, but there can be no doubt that he refers to the present occasion. See Williams, *Chatham*, vol. ii, p. 261 *n.*

spicuous successes, but the lawyer-like utterances of Mansfield roused him now, as they had so often done in the past, and rising precipitately, he poured forth a great flood of impromptu eloquence which Court peers like Denbigh and Sandwich professed to find unintelligible, but which from other accounts it is clear was a piece of superb oratory. Mansfield had spoken much of precedents : but it was not the precedents of antiquity ; it was the facts of to-day that mattered. It was a *fact* that the Middlesex electors had been deprived of their free choice of a representative by the Commons' refusal to accept Wilkes ; a *fact* that the constitution had thereby been invaded. The Commons under pretence of declaring the law, had *made* a law, ' and united in the same persons the office of legislator and judge.' He himself had been brought up in a religious awe of the original simplicity of the laws of England. These had been perverted by sophistry and obscured by artifice. What availed our ancestors' efforts in fighting for our liberties, if ' instead of the arbitrary power of a King, we must submit to the arbitrary power of a House of Commons ? ' Tyranny was detestable in every shape ; but in none so formidable as when assumed by a number of tyrants.

Once more he appealed to the Peerage. ' It is to your ancestors, my Lords—it is to the English barons that we are indebted for the laws and constitution we possess. Their virtues were rude and uncultivated, but they were great and sincere. Their understandings were as little polished as their manners, but they had hearts to distinguish truth from falsehood ; they understood the rights of humanity, and they had spirit to maintain them. . . . Let us not derogate from the glorious spirit of our ancestors. Those iron barons (for so I may call them when compared with the silken barons of modern days) were the guardians of the people ; yet their virtues were never engaged in a question of such importance as the present. A breach has been made in the constitution—the battlements are dismantled—the citadel is open to the first invader—the walls totter—the constitution is not tenable. What remains then, but for *us* to stand foremost in the breach, to repair it, or perish in it ? ' He brushed aside

the apprehension of serious trouble with the House of Commons. Which should be more respected—the representative or the collective body of the people? 'My lords, five hundred gentlemen are not ten million; and if we *must* have a contention, let us take care to have the English nation on our side.' As mediators between sovereign and people, the Peers had the duty of representing to the King the true condition and temper of his subjects. He referred to the possibility of a dissolution, which was in Chatham's opinion at this time an essential preliminary to a rectification of the constitution. 'His Majesty will then determine whether he will yield to the united petitions of the people of England, or maintain the House of Commons in the exercise of legislative power, which heretofore abolished the House of Lords, and overturned the monarchy.' For his part, he had no faith in their future moderation. Unlimited power was ever apt to corrupt its possessors, and this he knew, 'that where law ends tyranny begins.' [1]

This was a fine speech, but it was not likely to appeal to its audience. If the reiterated exhortation to the Peers to come to the rescue of a distraught Kingdom was an appeal to their *amour propre*, it was accompanied by the sarcastic and derisive reference to 'silken barons', which was bound to produce antagonism. The art of conciliation was one that Chatham never even attempted to cultivate. Only thirty-five peers supported him in voting against the Address.[2]

Administration, therefore, was not in any way weakened by the parliamentary attack. Nevertheless, it was in any case tending to break up. Camden was dismissed for voting with Chatham; when a successor was found in the brilliant, ambitious, and inconstant Charles Yorke, his sudden and tragic death a few days later brought a new complication. Meantime Chatham made preparations for renewed parliamentary activity. He and Rockingham had not been in full

[1] For this debate, *P. H.*, vol. xvi, 644–68; J. Almon, *Anecdotes of Chatham* (3 vols., 1810), vol. ii, pp. 91–106.

[2] *P. H.*, vol. xvi, 668, gives the voting as 203 to 36. The first figure is an obvious error, but not a misprint for 103, as there were only 128 peers present on June 9, including the Dukes of Gloucester and Cumberland, *L. J.*, vol. xxxii, p. 393.

accord on January 9. He now paid the Marquis a personal visit and there were hopes of closer co-operation in future. On January 22, ' driven ', says Walpole, ' by friends who were ashamed of their attachment to a mute ', Rockingham moved that the House of Lords should go into committee on the state of the nation. He dwelt upon what he described as the subversion of the old system of English government, by which he meant the Whig ascendancy overthrown in 1762. Chatham's speech in seconding is memorable for his recommendation of a specific remedy for the diseases of the constitution, viz. parliamentary reform. The boroughs being the ' rotten part of the constitution ', he urged that the county representation should be increased, so as to enhance the influence of the pure parts of the electorate.[1]

On January 27, only five days after this debate, Grafton, to whom Yorke's death had come as a final blow, resigned office. If it seemed as though Chatham's object had been achieved any such anticipation was speedily falsified. There was no dissolution of Parliament; there was no appeal to the people; there were not even overtures to any of the Opposition parties. For once again the King had not been defeated. He simply turned to Lord North, the complacent and obliging Chancellor of the Exchequer who had succeeded Townshend, and called upon him to lead the existing Ministry. For twelve more years, years of tragic moment to the country, the King's system continued.

[1] Walpole, *Memoirs of George III*, vol. iv, p. 57; *Grafton's Autobiography*, p. 252; Almon's *Anecdotes of Chatham*, vol. ii, pp. 118–30, esp. pp. 128–9.

CHAPTER XII

LORD NORTH'S ADMINISTRATION, 1770–8

The American Problem.

IMPORTANT as is the period of Lord North's long Ministry, it is not of special interest in the annals of the House of Lords. The Ministry proved impregnable to parliamentary attack in either House. When it eventually fell, this was due to the ill success of the American War, not to anything that happened at Westminster. The new Minister, good-natured and personally popular, had neither dignity nor application. He was the son of the Earl of Guildford, but he was not attached to any of the great families. He had 'neither connexions with the nobility, nor popularity with the country'.[1] The majority of his colleagues were men of only mediocre ability; especially in oratorical powers they were markedly inferior to their opponents. If in the House of Lords they had Mansfield to fight their battles for them, still that orator was not in himself equal to Chatham, Shelburne, and Camden combined. Yet the Ministry not only survived, but actually improved its position as time went on. For the King with his army of place-men—very nearly two hundred in the House of Commons [2]—stood firm, and he had now a Minister who, imperturbable, and impervious to criticism as Grafton had never been, stood firm by the King. In the second place, the Opposition, though in personnel extremely formidable, proved in practice ineffective. In spite of all its efforts it steadily lost ground —mainly because, however much they might endeavour to speak the same language, Chatham and the Rockinghams were temperamentally opposed. In these circumstances the interest of House of Lords history during this period is more personal than organic. There is no excitement in the battle

[1] Walpole, *Memoirs of George III*, vol. iv, p. 75.
[2] *Annual Register*, vol. xiii, Hist., p. 72.

between Government and Opposition, because the latter are too heavily outweighed. Their efforts are futile, and are latterly recognized as such by themselves. There is no clash between the two Chambers ; there is no possibility of such a thing, for the same influence controls them both.

At first the Middlesex election issue provided the Opposition with most of their ammunition. On February 10, 1770, the House being in committee on the state of the nation, Rockingham brought forward a motion condemning the action of the House of Commons. It was lost by 96 to 47 : [1] whereupon Lord Marchmont immediately produced a counter-motion to the effect that any resolution of that assembly impeaching the judgement of the House of Commons in a matter where their jurisdiction was competent was a violation of their constitutional rights, and tended to cause a breach between the Chambers.[2] When the House divided on Marchmont's motion at the phenomenally late hour of 2 a.m., and the motion was duly carried, a protest was entered in the *Journals*, asserting that if either House arrogated to itself the power of the whole legislature, it was the duty of the other to assert its own rights and those of the people, ' as this House had done on former occasions, notably in that of the case of *Ashby* v. *White*, the rights and powers of the Peers being a trust to be held and exercised for the benefit of the people and the preservation of their liberties.' [3] Another attack, delivered by Chatham on the same issue on February 12, was even more unsuccessful, and at the end of the month Walpole notes that the Wilkes stock has fallen very low, the Court majority in the Commons has risen to 75, ' and the party has succeeded so ill in the Lords that Lord Chatham has betaken himself to the gout.' [4]

[1] *L. J.*, vol. xxxii, p. 417. A similar motion in the Commons was defeated by 226 to 186, to George III's great satisfaction. See *Correspondence of George III with Lord North, 1768–83* (2 vols., ed. W. B. Donne, 1867), vol. i, p. 13.

[2] For the debate see *P. H.*, vol. xvi, 813–30 ; Almon's *Anecdotes of Chatham*, vol. ii, pp. 134–42 ; Walpole, *Memoirs of George III*, vol. iv, p. 87.

[3] *Complete Protests*, vol. ii, pp. 101–9.

[4] Walpole, *Letters*, vol. vii, p. 368.

Chatham had not retired from the fray, but he was realizing the immense difficulty of making headway against what he termed ' the secret invisible influence which prevailed at Court and which had put an end to all successive Administrations as soon as they refused to act under it '. When Grafton rose ' to defend the King ' against this thinly veiled attack, and to attribute such words to ' a distempered mind, brooding over its own discontent ', Chatham turned the vials of his wrath against his former disciple, who in the late Administration had so completely overturned its original policy that ' at last there were not left two planks of the ship which had been originally launched '.[1] On May 1 Chatham used outspoken language against the King, when he introduced a bill to reverse the decision of the House of Commons in the Middlesex election case—a bill rejected on its second reading by 89 to 43, after its author, having foolishly maintained that the Commons could be sued for damages for having unseated Wilkes, had been soundly trounced by Mansfield.[2]

All through this session the question of the Middlesex election was kept well to the forefront by the Opposition, mainly because it was the only one on which Chatham and the Rockinghams were in a fair measure of agreement. But even here there was a difference of attitude between the allies. The Rockinghams did not like the association with Wilkes. Wilkes was a demagogue, and they did not approve of demagogues. Chatham's own methods were too demagogic for them. His predilection for the City and for people like Beckford, the habitual intemperance of his language jarred on the tender susceptibilities of this aristocratic clique. There was dissatisfaction on the other side also. Temple objected to the Rockinghams ' giving themselves airs of taking the lead ', and was particularly jealous of Richmond.[3] Chatham was disgusted by the half-heartedness of his allies. ' Moderation, moderation ', he complains, ' is the burden of the song among the body.' He, on the

[1] Almon, *Anecdotes of Chatham*, vol. ii, p. 145.
[2] *Ibid.*, pp. 156–62 ; *P. H.*, vol. xvi, 955 ; *Chatham Corr.*, vol. iii, p. 451.
[3] See Winstanley, *Lord Chatham and the Whig Opposition*, p. 341.

other hand, was resolved to be 'a *scarecrow of violence* to the gentle warblers of the grove, the moderate Whigs. . . .'[1] In the summer he was full of enthusiasm for the project of a grand remonstrance to be presented by the freeholders of Yorkshire; the project was never put into execution, because Rockingham, the greatest of Yorkshire landowners, in the end objected.[2] Again, Chatham's favourite scheme of moving in the House of Lords for a dissolution found no favour in Rockingham's eyes. Certainly it had not the remotest chance of success, and it was duly negatived when introduced on May 14.[3]

The opening of the next session on November 9, 1770, brought the Opposition a welcome new topic in the seizure by Spanish authorities of Port Egmont in the Falkland Islands. The situation created by the Spanish refusal to recognize our claims to the whole archipelago created a delicate diplomatic situation, particularly dangerous by reason of the understanding between the two Bourbon monarchies and Choiseul's keenness to take advantage of any opportunity to avenge France's losses in the late war. While the Government was doing its utmost to avoid a rupture without sacrificing national prestige, the Opposition, determined to make capital out of the incident, deliberately increased Ministers' difficulties and anxieties. Chatham was no doubt sincerely distrustful of the Government's capacity to conduct a war, if war there should be: but this was no excuse for conduct which increased the likelihood of war. In a big debate on November 22,[4] the pompous Hillsborough delivered himself into his hands. Speaking in a tone 'elevated above the pomp of tragedy', he laid stress upon the necessity of having regard for Spanish sensibilities. Down came Chatham like a sledge-hammer. 'Something must be done to save an injured, insulted,

[1] *Chatham Corr.*, vol. iii, p. 469.

[2] *Ibid.*, pp. 471–2; *Annual Register*, vol. xiii, Hist., pp. 206–11.

[3] *Rockingham Memoirs*, vol. ii, pp. 180–5; *P. H.*, vol. xvi, 978–9; *L. J.*, vol. xxxii, p. 582.

[4] *L. J.*, vol. xxxiii, p. 12; *P. H.*, vol. xvi, 1081–1119; Walpole, *Memoirs of George III*, vol. iv, pp. 199–200; Almon, *Anecdotes of Chatham*, vol. ii, pp. 174–96.

undone country.' He poured contempt upon the tender respect shown to 'Spanish punctilios', 'the Spanish point of honour'. What care was being taken of England's honour? The Spaniards, perfidious ever, have 'seized an island they have no right to, and his Majesty's servants make it a matter of negotiation, whether his dominions shall be restored to him or not'. It was apparently in a subsequent speech on the Falkland Islands crisis (November 28) that Chatham expressed the hope that if the King's eyes were closed, something tremendous would happen to open them, and being very naturally called to order, withdrew the conditional clause, asserting simply, 'they *are* closed and must be opened to the state of the Empire, to which he is a stranger'. Regarded as examples of glowing rhetoric, the speeches of November 22 and 28 are no doubt magnificent; but they were also in the circumstances unwise, dangerous, unstatesmanlike, and the railing, extravagant tone used by the Opposition at this time gave colour to Sandwich's accusation that their acerbity was due to Chatham's soreness at being out of office when he considered that the country's danger afforded an excellent opportunity for the exercise of his own peculiar gifts.[1] He was certainly greatly depressed. Camden and Temple refused to associate themselves with him in the line he was taking; Lyttelton would not go all the way. 'Matters are hastening to some crisis in the interior of the thing called Opposition', Chatham writes savagely. 'The times are pollution in the very quintessence.'[2]

Even during the Falkland Islands crisis Chatham never forgot the Middlesex election question, and his speeches about Port Egmont often contained a reference to the constitutional issue. He was keen on a project for a bill to declare that the determination of capacity to serve as a member of Parliament should be declared to be a matter

[1] *Memoirs of the Life and Time of Henry Grattan* (5 vols., 1839–46), vol. i, p. 231. It is worth noting that Weymouth, the Secretary of State concerned, resigned office, evidently feeling himself unable to cope with the situation if the Spanish crisis resulted in war, and preferring in that event to serve under Chatham. See Von Ruville, *Chatham*, vol. iii, p. 271.

[2] *Chatham Corr.*, vol. iv, p. 32.

for the law-courts, not for the House of Commons. Although Camden admitted that the 'ground is solid, the doctrine legal', he considered that no good purpose could be achieved by such a measure. Chatham contented himself with a resolution embodying the same principle, which Camden willingly supported, but which was inevitably rejected by 52 to 20. In the debate on this motion, which took place on December 5, the customary passage-at-arms took place between Chatham and Mansfield, in which—if we are to credit Chatham's humble satellite, Calcraft—the lawyer was discomfited.[1]

Always disliked by Chatham, Mansfield was anathema at this time, having in his judgements pronounced in the press trials of Almon and Woodfall set forth an interpretation of the law of libel, which, though by no means novel, is generally associated with his name.[2] The majority on the judicial bench sided with Mansfield; Camden agreed with Chatham. Chatham was anxious that his henchman should conduct a formal interrogation of Mansfield on the law of libel in the House of Lords. Camden reluctantly consented. On December 11, instead of making an anticipated statement on the subject, Mansfield merely announced that he had deposited a copy of his judgement in the Woodfall case with the Clerk of the House.[3] Next day, Camden announced that he proposed to put six questions on the law of libel to the Lord Chief Justice, 'whose confusion', says Walpole, 'was obvious to the whole audience'. He refused to answer important questions on the spur of the moment. Chatham's taunts at his unpreparedness failed to goad him into speech.[4] Rockingham, quite sensibly, thought such proceedings futile. What was wanted was a libel bill. But what kind of a bill was it to be? According to Chatham, who was

[1] *Chatham Corr.*, vol. iv, pp. 37–8; *P. H.*, vol. xvi, 1302–12; *L. J.*, vol. xxxiii, p. 20.

[2] The view that the jury is competent only to decide the fact of printing and publication. Camden's interpretation eventually triumphed in Fox's Libel Act, 1792.

[3] This was the occasion on which members of the House of Commons were forcibly ejected. See *supra*, pp. 16–17.

[4] *Memoirs of George III*, vol. iv, pp. 220–2.

sublimely ignorant on all legal matters, there was nothing wrong with the existing law; it had simply been misstated by Mansfield. Not an amending but a declaratory Act was, therefore, required. He would only accept the Rockingham measure on condition that he was left free to amend it in committee.[1] Once again the lack of sympathy between the allies was becoming apparent. Then when a long spell of frost came to an end late in February, the Rockinghams wanted to be off to make the best of what remained of the hunting season, conveniently convinced of the futility of further parliamentary activities while the open weather lasted. The efforts of the Opposition flagged badly. On February 14 they sought to modify an address of thanks to the Crown for the successful settlement of the Port Egmont dispute—a settlement which Chatham regarded as 'abject'. Temple, Lyttelton, and Rockingham were all beaten, and the amendment was defeated by 90 to 30.[2] A motion proposed by Richmond, supported by Chatham, for reversing the Chamber's previous resolutions on the Middlesex election was a complete fiasco—the Government forces did not so much as take the trouble to reply to the speeches of mover and seconder. When on May 1 Chatham returned to his favourite device—a resolution that Parliament be dissolved—he met with scanty support. Temple believed in it, but not to the extent of coming to the House to support it; Camden and Lyttelton disapproved. The motion was rejected by 72 to 23.[3]

This ignominious failure marks the end of the sustained effort made by Chatham, for the most part assisted, though faint-heartedly by the Rockinghams, against the deadweight of the King's system. The attempt has a clear dramatic coherence, and it gives unity and interest to the parlia-

[1] *Chatham Corr.*, vol. iv, pp. 107–9.

[2] Proxies being called for, the final figures were 107 to 38. Chatham spoke for two hours, 'but languidly and ill.' Walpole, *Memoirs of George III*, vol. iv, pp. 275–7. A long and carefully argued protest summarized the Opposition's attitude to the whole Port Egmont episode. *Complete Protests*, vol. ii, pp. 112–18.

[3] *Chatham Corr.*, vol. iv, pp. 157–63; *L. J.*, vol. xxxiii, pp. 206–7; *P. H.*, vol. xvii, 220–4. On this occasion Chatham confessed his conversion to the principle of short parliaments.

mentary history of the years 1769–71. It had come near success in the autumn of 1769; since then its chances had steadily deteriorated. When Parliament reassembled in January 1772, the great man did not attend. He was disgusted with the Rockinghams. 'The narrow genius of old-corps connexions has weakened Whiggism, and rendered national union on revolution principles impossible; and what but such an union can have any chance to withstand the present corruption?' [1]

So the fight was abandoned, and politics at Westminster lapsed into a dreary inertia. The chief interest of the next two or three years in the history of the House of Lords lies in the illustrations it affords of the way in which George III regarded and used the Chamber. In 1772 by far the greatest excitement in Parliament was occasioned by the Royal Marriage Bill, a measure consequent upon the *mésalliances* of the Dukes of Cumberland and Gloucester, which forbade a member of the royal family to contract a marriage before the age of twenty-six without the King's consent, and even after that unless a year's notice had been given.[2] The bill was opposed by Temple and Rockingham on the ground that it was based on the conception that the royal family was a *caste* apart from the rest of the people. George III took a specially keen interest in this measure, and he resented any criticism. He writes very pointedly to North after the second reading:

'I cannot say that the debate in the House of Lords edified me.... I do expect every nerve to be strained to carry this Bill through both Houses with a becoming firmness, for it is not a question that immediately relates to Administration, but personally to myself; therefore I have a right to expect a hearty support from every one in my service, and shall remember defaulters.' [3]

[1] *Chatham Corr.*, vol. iv, pp. 186–7.

[2] The whole course of this measure, which was introduced into the House of Lords on Feb. 21 by Lord Rochford, can be traced in great detail in Walpole's *Journals*. The Duke of Gloucester's wife, Lord Waldegrave's widow, was Walpole's niece. See *Last Journals*, 1771–83, vol. i, pp. 28–39 *passim*; also *Annual Register*, vol. xv, Hist., pp. 90–5.

[3] *Corr. with Lord North*, vol. i, p. 91.

Horace Walpole writes: 'The King grew dictatorial, and all his creatures kissed the dust. . . . Zeal and money, and influence of all sorts went to work. . . . Lord Carlisle voted against the individual question that he had voted for two days before.' [1]

Soon after this a bill was introduced into the House of Commons to relieve Nonconformist pastors and teachers from an obligation, under the Toleration Act, to subscribe to certain of the Thirty-Nine Articles. The bill passed in the House of Commons. But George III, in his bigoted conscientious way, was determined that it should not become law. He wrote to Lord North, anticipating its acceptance in the Commons: 'If you should be beat, it will be in doing your duty, and the House of Lords will prevent any evil.' [2] The fate of this measure is an admirable illustration of the utility of the House of Lords to the executive, in this instance the King and his Ministers. The bill must not be allowed to pass; yet it is inexpedient to offend the Dissenters just before a general election. Let the bill, then, be accepted by the people's representatives, so that the blame for its loss shall not fall upon them. The Peers can afford to bear the odium, if odium there be. Criticism of their House will not hurt them individually, nor will it be prejudicial to the Government at election time.

There was no doubt about getting the necessary majority among the Peers. For one thing the bishops could be relied upon to oppose the bill. There were not many of Newcastle's nominees left. There had, as it happened, been an exceptionally large number of new appointments since his fall, and it was the Court, not an all-powerful Minister, that had arranged preferments since 1761.[3] The bill was zealously backed by the Rockingham party. Richmond spoke strongly for the measure, and strongly against the bishops. Shelburne and Lyttelton were on the same side. But the out-

[1] *Last Journals*, vol. i, p. 38. More spirit was shown in the Commons, where the voting was 168 to 115. Charles Fox, showing his family's sympathies with clandestine matches, fought the bill strenuously.

[2] *Corr. with Lord North*, vol. i, p. 101.

[3] The whole question of the significance of episcopal appointments under George III is discussed *infra*, pp. 426–8, 493.

standing feature of the proceedings was the intervention of Chatham, who had been brought forth from his seclusion by the solicitations of the great Nonconformist divine, Dr. Price. Lord Gower having moved the bill's rejection, the episcopal bench lifted up its voice loudly in support, the Bishop of Llandaff [1] reading aloud certain passages from doctrinal works of Dissenting ministers, to the ironical interjections of Chatham, 'Monstrous! horrible!' Chatham's speech is said to have shown as great oratorical power as any he ever delivered. Denouncing 'interested and aspiring bishops', he declared, in a well-remembered phrase, that the Anglican Church had no system, but 'a Calvinistic creed, a Popish liturgy, and an Arminian clergy'. But oratory, as usual, counted for little, and the bill was rejected by the overwhelming majority of 102 to 29.[2] Under existing conditions, the Ministerial majority in the House of Lords was solid and compact, quite impervious to Opposition arguments.

The Opposition's sense of impotence in the face of an utterly unimpressionable Government majority is strikingly conveyed in certain protests inserted against the passing of Lord North's well-known Regulating Act. This measure must be regarded as marking a distinct advance in the history of the British government of India inasmuch as it introduced the principle of the parliamentary supervision of the political, as distinct from the commercial, activities of the East India Company. On the other hand, in the machinery which it created there were many serious defects, which were to hamper Warren Hastings, who became first Governor-General of India under the terms of this Act, and which badly hampered the executive at times of crisis. It was not, however, the new machinery upon which the Opposition centred its attention. The measure was strenuously resisted on the general ground that it was an infringement of chartered rights, of those sacrosanctities of property which meant so much to the aristocratic Whigs. In the Lords, Richmond, who made twenty speeches against the

[1] The Hon. Shute Barrington.

[2] *Rockingham Memoirs*, vol. ii, p. 224; Walpole, *Last Journals*, vol. i, pp. 92–6; *P. H.*, vol. xvii, 440–1.

bill, led the attack. He and the other Rockinghams were wroth because Shelburne, while he severely criticized details, in the main approved the scheme, and by his remarkable command of the subject in no small degree contributed to the success of the measure.[1] But the Rockinghams' chief complaint was that the House of Lords gave altogether insufficient consideration to the bill. Their protests of December 23, 1772, June 10 and 19, 1773, are, incidentally, strong indictments of the Chamber as it now was under the King's system. The Commons had appointed committees to inquire into the conditions of the East India Company before adopting the measure. So had not the Peers. It was not enough 'for Lords to be informed from common conversation that other men have done their duty, as a reason for neglecting ours'. The Commons had spent eight months in the consideration of this bill; the Lords had taken little more than eight days!—'as if the Lords were the lowest of ministerial tools, who are not to be indulged with even an appearance of discussion concerning the mandates they receive. In this situation we feel the honour of the peerage tarnished, and its dignity degraded.' Such conduct rendered 'the peerage distinguishable only by a more than common measure of indolence and servility'.

The protests in which these accusations are contained remain on the pages of the *Journals*. Much less outspoken criticisms of the majority in the House had been expunged in the reign of George I; but, as Horace Walpole puts it, 'the Lords chose to swallow the stigma of servility fixed on them by the protest of the dissenting Lords rather than spread the notoriety by expunging it.'[2]

[1] It was generally remarked that Shelburne showed more knowledge of Indian affairs than all the Ministers in either House put together. The Rockinghams attributed his action to interested motives, and Richmond ironically complimented him on his conversion to the Court. Chatham, who took no part in the Parliamentary proceedings, in the main approved the measure. Walpole, *Last Journals*, vol. i, pp. 248–9; Fitzmaurice, *Shelburne*, vol. ii, pp. 262–77, esp. 276.

[2] *Last Journals*, vol. i, p. 253. For the Protests see *Complete Protests*, vol. ii, pp. 130–41; *L. J.*, vol. xxiii, pp. 670–1. The East India Bill received its first reading on June 11; its second on the 15th (*L. J.*, vol. xxviii, p. 674); it was passed on the 19th (*ibid.*, pp. 680–1).

From 1774 till the end of Lord North's Administration, the American Question dominates all other issues. In 1774 the Government was endeavouring to deal with the colonists by punitive methods; in the spring of 1775 the War of Independence started. Both during the preparatory period and during hostilities the Opposition proposed attempts at conciliation. Burke was the outstanding advocate of this policy in the Commons; Chatham in the Lords. Neither made any impression on the Government. The efforts of Opposition were entirely fruitless in both Chambers.

The most important of the coercive measures of 1774 were the bill which closed the port of Boston until such time as compensation was done to the East India Company for the destruction of their tea in the riot of December 16, 1773, and the bill which abrogated the Charter of Massachusetts. To the Boston Port Bill, introduced into the House of Commons on March 14, resistance in that Chamber was feeble. Shelburne, writing to Chatham to give him an account of the proceedings of the Peers, claimed that the bill underwent a fuller and fairer discussion in the House of Lords. Camden and Richmond showed more vigour than had appeared in the Lower House. A difference of point of view appeared in the Government's ranks. Some, like Mansfield, maintaining that the tea riot had been an act of treason, rejoiced in this bill because its introduction meant that Ministers had 'crossed the Rubicon', and had embarked upon a policy of firmness, of whose success they felt assured. The other more conciliatory view was expressed by Lord Dartmouth, most excellent of men, most worthy of philanthropists, but a mediocre statesman, who was now Secretary of State for the Colonies.[1] The principal debate took place on the second reading; when the bill passed on March 30, a division was not challenged. The bill was therefore entered in the *Journals* as carried *nem. con.* Subsequently, the minority protested against this as likely to give the colonists a false impression. 'The despair of

[1] See *Chatham Corr.*, vol. iv, p. 339; Walpole, *Last Journals*, vol. i, p. 339.

making effectual opposition to an unjust measure has been construed into approbation of it.' [1] It was the Opposition's own fault. They had absented themselves from the final proceedings. On this, as on a number of subsequent occasions, they failed to hold out till the last ditch. The Massachusetts Charter Bill secured its third reading by the overwhelming majority of 92 to 20.[2]

Chatham, who had been absent during these proceedings, appeared at Westminster when a bill for quartering troops in Massachusetts was under discussion. Government postponed the third reading a whole week in order to enable Chatham to express his views on the measure. He came, histrionic as ever, leaning on a crutch, his gouty legs wrapped in black velvet boots. His speech was unimpressive; it was evident that he was suffering.[3] When he was next heard in the House he was a great deal more vigorous. Acting upon the sage advice of the statesmanlike Governor of Canada, Sir Guy Carleton, the Government had decided to avoid the risk of serious trouble in that colony by allowing the maintenance of French civil law and custom, while confirming the liberty of worship already sanctioned in the interests of the French Roman Catholics.[4] Chatham denounced the Quebec Act in the most extravagant language. It was most unpopular with the New England colonists, and Chatham, it must be admitted, was inclined to view any grievance of theirs, however unreasonable, with sympathy. This measure which gave greater weight to the wishes of the bulk of the Canadian population than to the outcry of a small English minority, was described as 'cruel and oppressive'. It was a breach of the Reformation, the Revolution, and the Coronation Oath; it was a compact with Popery. It was the Ministers' 'plan of despotism'—

[1] In a protest of May 11. See *Complete Protests*, vol. ii, pp. 141–6, esp. 145.

[2] See the same protest for the arguments of the Opposition against this measure.

[3] Walpole, *Last Journals*, vol. i, p. 369; Almon, *Anecdotes of Chatham*, vol. ii, pp. 248–52. 'Never', says Walpole, 'did an oration make less sensation.'

[4] See R. Coupland, *The Quebec Act* (Oxford, 1925).

the proof that they aimed at the establishment of arbitrary power.[1]

Early in the new session of Parliament, which opened on November 30, Chatham brought forward a motion for the recall of the troops from Boston. His speech in introducing it was one of his greatest, as it is one of the most familiar. The use of force, he argued, could not be a remedy. 'What though you march from town to town, from province to province?' Against you was the same 'glorious spirit of Whiggism, which had opposed forced loans, benevolences, and ship-money, which by the Bill of Rights had vindicated the constitution'. Now this spirit animated 'three millions in America, who prefer poverty with liberty, to gilded chains and sordid affluence'. After Chatham's speech, Suffolk, to borrow the words of the younger Pitt, 'cannot say, answered—but spoke after him. He was a contemptible orator indeed, with paltry manner and whining delivery.' The Government's argument was that instead of recalling troops, it was necessary to send more troops. The bold language heard in America, Rochford and Gower maintained, came only from the rabble and a few factious leaders. Camden, '*supreme—with only one* exception', respected the Whig sophistries, ever dear to him and Chatham on the subject of American taxation, on the inalienable rights of property, sanctioned as they were 'by God, nature, and the English constitution'. 'Upon the whole', concludes the younger Pitt, 'it was a noble debate. Though it had not the desired effect upon an obdurate House of Lords', it would be effective outside. The space behind the bar had been crowded with American auditors.[2]

A few days later (February 1, 1775) Chatham introduced his famous Conciliation Bill, which, in its essential prin-

[1] Almon, *Anecdotes of Chatham*, vol. ii, pp. 252–4; Walpole, *Last Journals*, vol. i, pp. 365, 374–6. Only one bishop voted against the measure; three withdrew before the division. Richmond, though hating all the Government's works, would not vote against a measure of toleration. Hillsborough, late Secretary for the Colonies, was against the bill. He and his successor had a passage at arms. Hillsborough called Dartmouth 'a child in politics', and Dartmouth called Hillsborough 'a dotard'.

[2] Almon, *Anecdotes of Chatham*, vol. ii, pp. 257–71; *P. H.*, vol. xviii, 149–67; *Chatham Corr.*, vol. iv, pp. 376–7.

ciples, had secured the approval of Franklin. None knew better than its author that this measure had not the slightest chance of success; it was issued simply as a manifesto to reach the wider audience outside Parliament which Chatham always had in his mind's eye, to be evidence both in England and America of the efforts he was making in the cause of peace and goodwill. The essential feature of the proposals was the recognition of Congress, the suggestion that that body should make a free grant towards the alleviation of the National Debt and that it should decide the quota to be contributed by the several colonies. Had such an assembly existed and its competence been acknowledged by the Home Government in 1764, the subsequent American troubles might never have arisen.

So little was Chatham thinking about his bill's prospects in Parliament that he did not even take the trouble to explain its purport to the Rockinghams or make sure of their support. The point of view of the majority in the House of Lords with regard to the measure was that, itself inspired by a rebel, it conceded to rebels all they wanted,[1] and the only difference of opinion among Ministerialists was between those who, like Sandwich, were in favour of rejecting the bill straight away, and those who, like Dartmouth, deprecated such contemptuous treatment. The former won the day, and by 61 to 32 the bill was summarily rejected. In his reply to the debate, Chatham had closed with a tremendous indictment of Ministers, whose political conduct he described as compounded of 'weakness, temerity, despotism, ignorance, and corruption'. They well knew that, were such a policy as he proposed to be accepted, they must surrender their places—for such men as they could never carry through any scheme of reconciliation.[2]

As a matter of fact Ministers were seriously considering

[1] Sandwich, who moved the rejection of the bill, angrily declared that he could not believe it was the handiwork of a British peer; it must be the production of some American. He said this, deliberately turning to Franklin, who stood below the bar.

[2] *P. H.*, vol. xviii, 193–215; Almon, *Anecdotes of Chatham*, vol. ii, pp. 273–87; Walpole, *Last Journals*, vol. i, pp. 446–7; *Annual Register*, vol. xviii, Hist., pp. 58–61.

the advisability of pursuing milder courses ; but while they held out an olive-branch with one hand, with the other they still wielded weapons of coercion. Thus while they made the proposal that if the colonists would make a voluntary contribution of reasonable amount, no tax should be imposed upon them, save for trade regulation ; on the other hand, they strengthened the forces in New England, and introduced a bill to restrict the trade of the colonists, and exclude them from the Newfoundland fisheries. The House of Commons in a loyal address referred to the colonies as being in a state of rebellion. They desired the concurrence in this of the Peers. A confused and bitter debate arose in the Lords on February 7, when Dartmouth moved to agree with the Commons, and Rockingham protested that precedence should be given to a merchants' petition on the commercial aspect of the American Question. The proceedings lasted till 2 a.m., the weak Lord Chancellor, Apsley,[1] proving equally incompetent as spokesman for the Government and Speaker of the House. In these circumstances the task of controlling the situation fell to Mansfield, who was bitterly denounced by Shelburne and Richmond as the King's *confidential Minister*, the sinister author, behind the scenes, of the American policy. Furiously angry at this attack, Mansfield told his enemies that it had always been the characteristic of the Peers in contrast to the Commons to abstain from personal abuse, and to conduct themselves like gentlemen. In the end the House resolved by 104 to 29 not to hear the petition. Concurrence with the Commons' address followed without a division, a protest being entered in the *Journals* on the grounds that there was no legitimate cause for speaking of the colonists as being in a state of rebellion, and that the House had been ' driven headlong into a declaration of war '.[2] Similarly, Camden described

[1] Henry Bathurst, son of the first Earl Bathurst. He was created Baron Apsley in Jan. 1771 on his appointment as Lord Chancellor. He succeeded his father in the earldom of Bathurst in Sept. 1775.

[2] *L. J.*, vol. xxxiv, pp. 306–7 ; *P. H.*, vol. xviii, 265–96 ; *Chatham Corr.*, vol. iv, pp. 398–9 ; Walpole, *Last Journals*, vol. i, pp. 457–8 ; Fitzmaurice, *Shelburne*, vol. ii, pp. 495–6 ; *Complete Protests*, vol. ii, pp. 150–2. The Protest was drawn up by Camden and Burke.

the measure restraining the trade of the colonies as 'a bill of war',[1] the Opposition view being that it was an attempt to coerce a whole country by famine, 'without example in the history of this, or perhaps of any civilized nation'.

Only a few weeks later war broke out. Two notable peers thereupon joined the Opposition—Effingham, who resigned his commission rather than take up arms against men of the same race;[2] Grafton, who, having since August favoured a policy of conciliation, resigned office on October 20,[3] and who in the debate on the address six days later explained the reason of his resignation, condemning the proceedings of the past year, and saying that he had been misled as to conditions in America. According to a hostile witness his speech 'was made up of Lords and Lordships, dignity, a good voice, and a fine manner'.[4] Gower, Rochford, and Sandwich spoke for the Administration, the last behaving 'so indecently, arrogantly, and contemptuously, that he was often called to order'. Rockingham, Richmond, and Shelburne contributed little to the debate except their absolute conviction that the colonists were not aiming at independence. The American Declaration of Independence was made in the following July.

Parliament's running comment upon the opening phases of the war is not of much parliamentary importance. Disapproving of the war itself, the Opposition criticized every action taken to render its prosecution effective. Thus, when Hanoverian troops were drafted to Gibraltar and Minorca to enable the garrisons there to be released for service in America, this was denounced as contrary to the Bill of Rights and the Mutiny Act;[5] when a measure was passed declaring American ships and goods liable to forfeiture, this also was found to be contrary to the Bill of Rights and

[1] *P. H.*, vol. xviii, 430–55.

[2] Thomas Howard, third earl, 1749–91. See G. E. C., vol. iv, pp. 13–14. He was a man of singularly fine character, 'the best of husbands, of fathers, of masters, of friends.'

[3] Walpole, *Last Journals*, vol. i, pp. 507, 511.

[4] *Carlisle MSS.*, p. 299.

[5] *L. J.*, vol. xxxiv, p. 96, Nov. 1; *P. H.*, vol. xviii, 798–816; Walpole, *Last Journals*, vol. i, pp. 511–12.

barbarous ;[1] the hiring of Hessian troops as mercenaries led to a bitter computation by Richmond of the cost of each American scalp that would be obtained by the use against our own countrymen of these foreigners, to whom, as Shelburne also bitterly complained, the defence of the Empire was entrusted while our own men were kept at home employed in husbandry and manufacture.[2] But criticisms of the methods of waging war have little potency when it is notorious that the critics are critics of the war itself, when they declare that the actions of the enemy are ' justifiable in every possible political and moral sense '. Temple dissociated himself from this language, while refusing to support the Government. He was thankful that he had no responsibility for either the Stamp Act or the Declaratory Act ; on the other hand, he had always believed in our right to tax America, and he objected to speeches being made in that House which would ' reveal the nakedness of the land ' to the Americans, and to an attitude of mind which would not accept realities, which did not recognize that ' the die of war is cast, the sword is drawn, the scabbard thrown away '. Granted the irrevocability of war as a premiss, the attitude of the Government's supporters was the straightforward one of common sense. Their contention always was that, war having been embarked upon, it is only wisdom to make it effective so as to bring it to as early a conclusion as possible. To the ordinary man in the street the arguments of the Court party must have seemed the more sensible. Apart from the difficult position into which the outbreak of war had thrust them, the Opposition were as usual weakened by proneness to discouragement, while Grafton's accession—according to Walpole—brought the Opposition ' nor sense, nor activity, nor harmony, nor six votes '. Camden would have liked to see the Duke leader of the Opposition forces in Chatham's absence, but Rockingham was not inclined to

[1] Shelburne denounced this bill as one of feminine vengefulness, indicative of a love of cruelty for its own sake. *P. H.*, vol. xviii, 1065–1103.

[2] *Ibid.*, 1188–1220 ; Walpole, *Last Journals*, vol. ii, p. 24. A motion by Richmond (March 5, 1776) for an address to the King to countermand the march of these mercenaries and to suspend hostilities was defeated by 100 (including 21 proxies) to 32 (3 proxies included).

resign his position. Richmond, distrustful of his own abilities, in indifferent health, and always anxious to take every opportunity to leave London for the country, was particularly liable to be disheartened.[1]

On March 14 Grafton proposed a motion for conciliation with America, his suggestion being that the recent coercive Acts should be repealed and a proclamation issued that if the colonists presented a petition setting forth their grievances, it should be considered and answered. As there was no prospect whatever of such a petition ever being issued, the motion was not practical. Dartmouth put the Government's case succinctly. Lenity had been tried before; it had only been treated as an indication of 'national imbecility'. There could be no settlement till the colonies acknowledged the sovereignty of Parliament.[2]

The military situation in America was bad in the summer;[3] but it had considerably improved before Parliament reassembled on October 31. The invasion of Canada had been repulsed and New York had been captured. Ministerial supporters were encouraged; some of them at this time were tangibly rewarded for their services. Thirteen new titles were conferred, and some people affected to see a parallel to the famous twelve of 1712. But there was no real affinity: for the present Government had so complete an ascendancy in the House of Lords that there was no need for an augmentation of its forces there. But there had been no new creations for some years, though there had been many demands for coronets. The King in the early period of his reign was much averse to creating new titles; there had been only 32 since his accession, and the total number of peers now stood at 237. On the first day of the new session Mansfield was advanced to the dignity of an earldom.[4]

[1] See Walpole, *Last Journals*, vol. ii, pp. 3–4.

[2] *P. H.*, vol. xviii, 1247–86. The motion was lost by 91 to 31.

[3] The Opposition made use of the Government's military embarrassments—e.g. the evacuation of Boston. See debate of May 10, *L. J.*, vol. xxxxiv, p. 711; *P. H.*, vol. xviii, 1345–52.

[4] Walpole, *Last Journals*, vol. ii, pp. 35–8, 93. Ten new barons were created at this time. The other four dignities were promotions. See pp. 510, 511–12.

The royal speech when Parliament reassembled breathed nothing but confidence, and such speakers on the side of Administration as Sandwich and the young Earl of Carlisle re-echoed this,[1] but the outstanding utterance of the day was one by Shelburne in which he described the King's speech as 'a piece of metaphysical refinement, formed with design to impose', and one of its paragraphs as 'a compound of the most glaring hypocrisy'. The defence of their policy put forward by Ministers he termed 'a string of sophisms'.[2] Having in both Houses drawn a most gloomy picture of the whole situation, when the Government regarded it as most promising, and having been handsomely defeated as usual, when it came to the vote, the Rockinghams advertised their discouragement to the world by a most undignified withdrawal from Parliament for a period of several months, only appearing at Westminster for the sake of any private bills in which any of them individually happened to be interested. Thus they saw 'all England turn against them, the Court being as industrious as they were irresolute and inactive'.[3]

On May 30, 1777, just before the close of a dull session, Chatham reappeared. Wrapped in flannel, looking pale and much aged, his voice so weak that it could scarcely be heard at the other end of the Chamber, he offered a motion for the cessation of hostilities at the earliest possible moment. For three years, he declared, we had simply been engaged in teaching the colonists the art of war, and they had proved themselves apt learners. We could not conquer America, and our efforts to do so would only inspire hatred; they could never instil respect. As the aggressors, we ought to make the first overtures, and 'instead of exacting unconditional submission from the colonies, we should grant unconditional redress'. Let every oppressive Act passed

and Appendix A. Walpole makes the number twelve by including the gift of a barony to the Duchess of Argyll and the confirmation of the barony of Clifford to Edward Southwell, who now received his writ of summons. See *New English Peerage* (2 vols., Stockdale, 1810), vol. i, p. 214.

[1] Frederick, fifth earl. See *infra*, p. 440.

[2] *L. J.*, vol. xxxv, pp. 7–8; *P. H.*, vol. xviii, 1368–96, esp. 1384–91.

[3] *Last Journals*, vol. ii, pp. 92, 96–7.

since 1763 be repealed. Grafton, rejoiced to find that Chatham was now much more friendly disposed towards him, was his chief supporter in the ensuing debate. Gower put forward the familiar Government thesis that the present war was not being fought over a mere question of a tax on tea, but on the issue of our authority over our dependencies. The Americans had been all along aiming at independence. The young Lord Lyttelton, recently come to the title, made capital out of the contrast between Chatham's present despondent tone and the exalted heroism of his younger days when he called upon the people to assert their honour, though all Europe should be against them. It was a foregone conclusion that the motion would be rejected—as it was by 99 (including 23 proxies) to 26 (including 2 proxies).[1] The King, writing to North next day, expressed his abhorrence of Chatham's 'highly unreasonable' proposition. 'Like most of the other productions of that extraordinary brain, it contains nothing but specious words and malevolence.'[2]

In the debate on the address when Parliament met next autumn (November 27) Chatham was more powerful. He made indeed one of his most memorable speeches. 'It would be useless', writes Grafton, 'to attempt to describe to you the brilliancy of Lord Chatham's powers, as an orator, on this memorable occasion: for no relation can give more than a faint idea of what he really displayed. In this debate he exceeded all that I have ever admired in his speaking.' Although the capitulation of Saratoga had by this time taken place, the news of it had not yet reached the country, and the speech from the throne had been as firm as ever. Nevertheless Chatham adopted a very serious tone. He could not, he exclaimed, concur in a 'blind and servile address'. This was no time for adulation. 'It is now necessary to instruct the throne in the language of truth. We must dispel the darkness and delusion which envelop it; and display, in its full danger and true colours,

[1] For this debate see *ibid.*, vol. ii, p. 118; *P. H.*, vol. xix, 316–52; Almon, *Anecdotes of Chatham*, vol. ii, pp. 289–97; *Grafton's Autobiography*, p. 294.

[2] *Corr. with Lord North*, vol. ii, p. 70.

the ruin that it brought to our doors.' It was pre-eminently the duty of the hereditary counsellors of the realm to do this. He reiterated his conviction that America could never be conquered—certainly not by German hirelings. In a famous phrase he cried: 'If I were an American, as I am an Englishman, I never would lay down my arms—never—never—never.' Shelburne and Richmond were very sceptical about the Government's conduct of military operations, and then a random remark of Lord Suffolk brought forth another tremendous burst of eloquence from Chatham. Suffolk, who, as Walpole once put it, 'seldom opened his mouth in public without blundering out something that hurt his own side',[1] defended the employment of Indians in the American War, being 'clearly of opinion, that we are fully justified in using every means that God and Nature has put into our hands'. Chatham started up in a passion of indignation, 'which', says Grafton, 'must have affected any audience; and which appeared to me to surpass all that we have heard of the celebrated orators of Greece or Rome'. He was astounded to hear such principles avowed in that House. 'And I know not what ideas that lord may entertain of God and Nature, but I know that such abominable principles are equally abhorrent to religion and humanity.' He called upon the bishops and the judges to protest and to cleanse the country from pollution. In vain, he cried, turning his eyes upon the Armada tapestry, had we saved ourselves from the arbitrary cruelties of the Inquisition, if we were to practise these greater cruelties upon our Protestant brethren.[2]

Though Chatham's oratorical efforts made no difference whatever to the voting strength in the House of Lords, he instilled fresh spirit into the Opposition.[3] And he con-

[1] *Last Journals*, vol. ii, pp. 300–1.

[2] Amherst, one of Chatham's generals in the Seven Years War, who had been given a barony on May 20, 1776 (see Doyle, *Complete Baronage*, vol. i, p. 39), was prompted by Gower to say that Chatham himself had employed Indians. Chatham positively denied this, but Amherst persisting in his assertion, he said, laughing, there had perhaps been a few to scour the woods. For the debate see *P. H.*, vol. xix, pp. 355–411; Almon, *Anecdotes of Chatham*, vol. ii, pp. 198–319; *Grafton's Autobiography*, p. 295; *Last Journals*, vol. ii, p. 164.

[3] *Grafton's Autobiography*, p. 295.

tinued to fight. On December 2 he supported Richmond in urging a general inquiry into the state of the nation, into that of the navy, of the army, of the finances.[1] The news of Saratoga had now been received, and on the 5th he moved that General Burgoyne's instructions should be placed before the House.[2] He reminded the Peers that it was customary to offer the Sovereign an address of condolence on calamities as well as of congratulation on successes. Never could such an address be more seasonable than now. On December 11, when the adjournment of the House for the Christmas recess was moved, Chatham uttered a vigorous protest. It did not become the hereditary counsellors to disperse to their country seats for merrymaking at such a time. The Peers, standing between the King and the people, should carry a remonstrance to the steps of the Throne, which, like the people, had been misled and imposed upon by Ministers with fallacious hopes and false pride. Richmond spoke in similar strain. Because the House of Commons chose to adjourn, that was no reason why the Peers should. Were the Commons the schoolmasters of the Peers? But their lordships, as it appeared, did not see how the disaster of Saratoga could be the better repaired by their continuing in session, and the shallow Earl of Suffolk flippantly suggested that Chatham's motive in bringing forward his motion had merely been a desire to continue to pour forth advice to that assembly, because he well knew that he would not be listened to anywhere else.[3]

In February and March 1777 the House discussed the state of the nation at length. The war was obviously going badly, and the whole national position was precarious. In such circumstances it is natural for an Opposition to insist upon close scrutiny into the conduct of affairs. On the present occasion an investigation was made into the condition of the national finances, of the army and of the navy. The question of economy was one upon which the Rockinghams laid great stress. In the spring of 1777 the King had

[1] *P. H.*, vol. xix, pp. 472–86; Walpole, *Last Journals*, vol. ii, pp. 168–9.
[2] *L. J.*, vol. xxxv, p. 263; *Last Journals*, vol. ii, pp. 171–2.
[3] *Ibid.*, p. 173; *P. H.*, vol. xix, 592–614.

asked Parliament for payment of the arrears of the civil list, amounting to £600,000. Ministers had dilated upon the frugality of the King. Talbot, as Lord Steward, had been particularly eloquent upon this theme. An excellent amateur boxer, he had since his admission to office been a most pertinacious economist, cashiering cooks, shutting up kitchens, and cutting down the breakfast allowances of the maids of honour. But in neither House had the Rockinghams been convinced by this sort of economy. Economy had no doubt been practised in the royal household, but the deficit had been incurred for purposes of parliamentary corruption. In such circumstances to augment the civil list, when the times called loudly for retrenchment, would be an outrage.[1] Now in the inquiry into the state of the nation, Richmond argued that the country was on the verge of bankruptcy. A prominent part in the discussion on the financial situation was taken by the fourth Earl of Abingdon, a man in the early thirties, a follower of Rockingham, who proved, especially after the outbreak of the French Revolution, that he had democratic leanings far beyond any of his colleagues. Gifted with a ready wit, and showing an impish delight in shocking the more grave and reverend members of the House, Abingdon, who henceforth took a frequent part in the debate, was certainly an enlivening influence. According to Horace Walpole, ' his plain dealing and severe truths were far more detrimental to the Court than the laboured subterfuges and inconsistent Jesuitism of Burke.' [2]

As regards the army, the main contention of the Opposition was that the drain of the American War upon our home forces had been such that there did not remain a body of disciplined troops in the country adequate to the defence of our shores against attack. They had before now brought up the question of the likelihood of a rupture with the two Bourbon Powers. Government representatives, of diplo-

[1] Walpole, *Memoirs of George III*, vol. i, pp. 47–8; *L. J.*, vol. xxxv, pp. 141–3; *P. H.*, vol. xix, 161–88; *Complete Protests*, vol. ii, pp. 170–2.

[2] Walpole, *Last Journals*, vol. ii, p. 131; *L. J.*, vol. xxxv, p. 290; *Annual Register*, vol. xxi, Hist., p. 100. See also on Abingdon, G. E. C., vol. iv, p. 48. Lord Charlemont terms him ' a man of genius, but eccentric and irregular almost to madness '.

matic necessity, had repeatedly assured the House that never had the dispositions of the Courts of Versailles and Madrid been so good.[1] Lord Suffolk was now the spokesman. Even less than his predecessors did he persuade the Opposition of the literal veracity of this statement. Probably he did not expect to. Camden poured contempt upon the assertion. France had practically acknowledged American independence. But even granted the danger of invasion, Administration argued, there was no cause for alarm. Not the army but the navy was our sure shield of defence.[2]

This reflection did not comfort the Rockinghams. They were sure—and in this they were perfectly right—that the condition of the navy was far from satisfactory. During March their spokesman, the sixth Duke of Bolton,[3] who knew what he was talking about, having spent his life on the sea and having risen to the rank of admiral, conducted a vigorous onslaught upon Sandwich's administration at the Admiralty. The protection of our sea-borne commerce was inadequate ; our frigates were insufficient in number ; our squadrons in home waters were not strong enough to deal with the menace of a possible Bourbon attack ; the condition of the vessels and of the personnel in American waters was thoroughly unsatisfactory ; Admiralty expenditure was more lavish than ever before, yet there was less to show for it ; inferior foreign timber was being used for the construction and repair of ships ; the money was simply being wasted in corruption and jobbery.[4] The refusal of the Government to allow the Surveyor of the Navy to attend for examination was declared by the Rockinghams to be due to a determination to burke the inquiry. Ministers' explanation was that it was injudicious to divulge details of the nation's armament in time of war.[5] The conduct of the Opposition at least gave colour to the view that they were more anxious to embarrass the Government than to help the country.

[1] For example in the debate on the address, Oct. 31, 1776, when Grafton declared that Parliament was merely being blindfolded.

[2] *Annual Register*, vol. xxi, Hist., pp. 122-4 ; *P. H.*, vol. xix, 650–72.

[3] See *D. N. B.*, vol. xliv, pp. 87–8.

[4] *P. H.*, vol. xix, 818–34.

[5] *P. H.*, vol. xix, 815–18 ; *Last Journals*, vol. ii, p. 215.

The investigations into the state of the nation, which were carried on concurrently in both Houses, did not occasion any real embarrassment to the Government. In the Lords they were able to outvote the Opposition by anything from 2 to 1 to 3 to 1. In the Commons their majorities were not quite so considerable, but they were quite ample.[1] On the other hand the Cabinet was anxious about the general situation. It had known for weeks that war with France was imminent. North wished to resign, and urgently pressed the King to send for Chatham, but George was obdurate. North, however, prevailed upon his master to allow him to launch a scheme of conciliation with the Colonies, and on February 17, 1778, to the amazement and dismay of many of his followers, he introduced into the House of Commons two bills, one surrendering all colonial taxation save for purposes of trade regulation, the other appointing Commissioners to proceed to America and to treat with Congress for a cessation of hostilities on any terms short of the recognition of independence. A bewildered Chamber passed the two measures. They were ushered into the House of Lords on March 3, the second reading and the first debate on them following two days later.[2] That Chamber, also bewildered, eventually agreed to both measures.

Suffolk, the Government's spokesman, was naturally not very happy in recommending a policy which Ministers had steadily resisted for the past three years. He had no better argument to offer than that concession had been proved to be more expedient than persistence. Not all Lord North's normal supporters were prepared to swallow this change of policy. The Duke of Buccleuch—the Scots peers had been strongly anti-American throughout—lamented the Government's sudden conversion, and was sure it would not succeed in its object. Hillsborough considered this the most disgraceful day he had ever seen. But more interesting than the divergence in the ranks of the Ministerialists was the cleavage apparent between two distinct parties in the

[1] For instance, on an identical motion with regard to the army on Feb. 2, the Government's majority in the Lords was 94 to 31, in the Commons 259 to 165.

[2] *L. J.*, vol. xxxv, pp. 335, 345.

Opposition. Grafton and Richmond vied with each other in the severity of their denunciation of Ministers, but here their agreement ended. For a long time the Rockingham party had taken a most pessimistic view of the war. They were convinced that it would end badly; they were equally convinced that no terms short of the grant of independence had any chance of success, because nothing short of independence would satisfy. The point of view of Chatham and his following was quite different. To them the thought of peace save upon honourable terms was abhorrent—and honourable terms did not in their opinion include the recognition of American independence. Temple, reappearing in the House after a long absence, poured contempt upon the poltroonery of Ministers, who before ascertaining whether the enemy was prepared to treat, made known their terms, and thus simply encouraged the rebels to ask for something better still. 'Men', said he, 'who had shown to the entire world they were incapable of conducting a war, were now preparing to give another proof of their imbecility, by showing they do not know how to make peace.' Chatham and his lieutenants would not have spoken quite in this wise —would not have referred to the Americans as rebels at all events—but Shelburne was equally strong in reprobating the very idea of acknowledging the independence of the colonies. Great Britain and her colonies should have but one sword, one will, 'though the means of expressing that will might be different, distinct, and varied'. He did not regard the prospects of the war as hopeless, provided we changed our strategy, which had hitherto been without proper plan. Shelburne could not resist the temptation of having a fling at the docility of North's supporters, as it was revealed by the acceptance of these bills. 'Peace or war, submission or no submission, supremacy or independence, revenue or no revenue, it is the same thing with the noble lord and his followers.'[1]

[1] For this debate *P. H.*, vol. xix, 834–70; Walpole, *Last Journals*, vol. ii, pp. 216–18. The debate on the third reading of North's bills on March 9 added nothing to the arguments on either side. The Rockinghams, as represented by Abingdon, contrived to congratulate Ministers on their conversion to the views of the Opposition, and yet to censure

The Opposition were given another excellent opportunity to twit the Government when on March 17 the formal intimation had at length to be made to Parliament that France had concluded an alliance with America. Weymouth moved a loyal address expressing horror at that country's unprovoked aggression and pledging 'zealous assistance and support'. The Duke of Manchester[1] moved an amendment that the support should be made conditional upon the King's removal of advisers who had already proved themselves utterly incompetent. Only twelve days ago, Abingdon pointed out, Ministers had been telling the House that no alliance existed between France and America; now they acknowledged its existence. Incapable of coping with America by herself, Ministers now invited the country to go to war with the Bourbon Powers as well. This was folly, madness, desperation. Abingdon became blood-curdling—saw England reduced to a French province and the house of Stuart once more seated upon the throne. Richmond had the temerity to answer that he saw no reason why we should go to war with France; she had a perfect right to form an alliance with America if she so wished. Shelburne sounded a manlier note. North, in some recent efforts to get Chatham into office, had sounded Shelburne as to the great man's terms, and it had been clear that they involved the sweeping away of the present Administration as a whole and of the King's personal government: and this had been a sacrifice which even now George III refused to consider. It was the ideals of Chatham that Shelburne now expressed. Away with the present régime; away with its petty, clerk-like methods! Free the people from the enervating load of political corruption! Revive the spirit of the Constitution and infuse a new vigour into the nation!

In an exceptionally full House the amendment was lost by 100 to 36.[2] A similar motion in the House of Commons was lost by 263 to 113.[3]

the measures which were the sole evidence of the conversion. See Abingdon's protest, *L. J.*, vol. xxxv, pp. 356–7; *Complete Protests*, vol. ii, pp. 174–6.

[1] George Montagu, the fourth duke.

[2] *P. H.*, vol. xix, 912–27.

[3] *Ibid.*, 928–52.

The Opposition continued to prosecute inquiries into the state of the navy. Ministers remained immobile; no information could be extracted from them. In disgust, Abingdon declared that it was useless to attempt anything in that House, where the Government were secure of their servile majority in every division. This imputation greatly shocked Lord Bathurst. Leaving the woolsack, he protested against the gross and indecent insult to the House, for which there was not the slightest warrant.[1]

On April 7 Richmond brought forward a motion for an address to the Crown founded upon his party's interpretation of the facts elicited from the recent scrutiny of the state of the nation.[2] The motion was in effect an elaborate manifesto against the war and against the Government, His Majesty being asked 'to put an end to a system too well understood in its effects, which by the acts of wicked men had prevailed in his Court and Administration', also, in view of the severe losses in men, money, and merchandise already sustained in a disastrous war to withdraw our troops from America, where they could do no good, to England, where they were urgently needed for our defence. This motion was opposed by Weymouth. As soon as he had sat down, Chatham rose to speak.

The scene which followed is one of the most familiar in the annals of the House of Lords: yet no history of the Chamber in the eighteenth century would be complete without a narrative of it. Chatham, utterly unfit to be out of his bed, had resolved to be present to lift up his voice against Richmond's proposal to evacuate America. Often before this his enemies had doubted the reality of his sufferings, and had seen in his crutches and bandages only so many theatrical trappings—but this day there were apparently no sneers; and as the impressive figure entered, supported on one side by his son William, on the other by his son-in-law, Lord Mahon, little more than his aquiline nose and piercing eyes being visible under his heavy wig, the whole assembly rose in silence to welcome its greatest member. When he stood up to speak, he did so with the utmost

[1] *Ibid.*, 980–96. [2] *L. J.*, vol. xxxv, pp. 423–5.

difficulty, only being kept erect by the help of his crutches and of the two young men on either hand. At first his utterance was extremely feeble, but as he went on his voice became stronger, as harmonious, as eloquent as ever. 'The reverence and the attention—the stillness of the House was most affecting; if any one had dropped a handkerchief, the noise would have been heard.'

He had come, said Chatham, to express his indignation at the idea of abandoning the sovereignty of America. 'I rejoice that the grave has not closed over me; that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy!' Was this great kingdom, which had survived so many invasions and attempted invasions, to 'fall prostrate before the House of Bourbon? . . . Shall a people that seventeen years ago was the terror of the world, now stoop so low as to tell its ancient inveterate enemy, take all we have, only give us peace?' Any state was better than despair. 'Let us at least make one effort; and if we must fall, let us fall like men!' Richmond replied to the speeches of Weymouth and Chatham, speaking in terms of admiration of the man who had raised his country to a glory never known by any other nation. 'The name of Chatham will ever be dear to Englishmen.' But times had changed, and even Chatham could not perform impossibilities. Chatham made an effort to rise to speak again, but in the words of Camden, 'fell back upon his seat, and was to all appearance in the agony of death. This threw the whole House into confusion: every person was upon the instant upon his legs in a moment hurrying from one place to another, some sending for assistance, and other producing salts, and others reviving spirits: many crowding round the Earl to observe his countenance —all affected—some part really concerned, and even those who might have felt a secret pleasure at the accident yet put (? on) the appearance of distress, etc., only the Earl of M.[1] who sat still almost as much unmoved as the senseless body itself.' Chatham lingered on a month after his seizure

[1] Mansfield must be intended. There was only one other peer present with the initial M—Marchmont—and he had no motive for such an attitude.

COPLEY'S PICTURE 'THE DEATH OF CHATHAM'

The picture contains authentic portraits of a number of the peers who were present on the occasion of Chatham's seizure in the House. See Basil Williams, *Life of William Pitt*, vol. ii, p. 330 *n*.

in the House, but never really rallied. 'Therefore', as one eyewitness of the scene put it, 'his death may be properly said to have happened in the House of Lords, in the discharge of his great political duty: a duty which he came, in a dying state, to perform.'[1]

Chatham's appearances in the House of Lords had been few and far between; he rightly lives in history as 'the great commoner'. Yet, alien as was its atmosphere to his temperament, he cast his spell over the Peers' Chamber, too. No one but must be conscious that his presence had cast a heroic spirit over its deliberations, and that his departure leaves a sense of emptiness, because the voice of a great genius has been stilled. How far was Chatham in the great battle he had fought against the Government's American policy representing the popular opinion upon which he always set so much store? Were his party and the Rockinghams fighting a lone battle in Parliament, but not in the country? It is difficult to form an impression of the general trend of public opinion on the colonial problem. The opinion of which we know most, because it was most vocal, is that of the upper classes. It was the opinion which both Houses of Parliament in the main expressed. The size of the Government majorities throughout is certainly to be largely accounted for by the steady manipulation of systematized royal influence. But there is no reason to suppose that the Government's majorities would have disappeared had that influence been removed. One has to bear in mind that the colonial problem was not continuously before the country; that between the raising of the issue with the Stamp Act

[1] For this debate see *P. H.*, vol. xix, 1012–31; H. M. C. *Rutland MSS.*, vol. iii, p. 12; Almon, *Anecdotes of Chatham*, vol. ii, pp. 350–4; *Grafton's Autobiography*, pp. 300–2; Seward, *Anecdotes of Distinguished Persons*, vol. ii, p. 422; Walpole, *Last Journals*, vol. ii, pp. 253–4; *Letters*, vol. x, pp. 214–15, 217–18.

A proposal made by Shelburne on May 13 that the House should attend the funeral as a single body was defeated by 20 to 19. *P. H.*, vol. xix, 1230–4. Several peers, including the Archbishop of York, the Duke of Chandos, and the Lord Chancellor took grave exception to the grant of an annuity of £4,000 to all future holders of the earldom of Chatham as 'an unwarrantable lavishing away of the public money' at such a time. *Ibid.*, 1234–55.

and the outbreak of the War of Independence ten years elapsed; that whenever the question came to the surface it was probably apt to appear to the ordinary mind unaccustomed to take broad and philosophic views of politics as a simple matter of colonial niggardliness, or colonial ingratitude, or colonial disobedience. Suddenly called upon to think out a new colonial policy, people were bewildered. The Rockinghams were in touch with merchants, whose trade was prejudiced and who were therefore opposed to methods likely to produce a breach with their customers. We know that in certain Nonconformist circles there was strong sympathy with the American cause.[1] But how widespread was such sympathy through the community as a whole we cannot tell. Certainly the evidence does not warrant us in supposing that Chatham and the Rockinghams represented more than a minority in the country; in picturing a Parliament necessarily non-reflective of public opinion, because King-controlled. In many respects the mentality of George III was the mentality of the average Englishman. At any rate, so far as the issue of the obedience of dependencies to their mother country is concerned, the same may probably be said of the average peer.

[1] Doddridge and Dr. Price, for example, were strong supporters of the colonists on the taxation issue; John Wesley, on the other hand, was a supporter of North's policy.

XIII

THE END OF LORD NORTH'S ADMINISTRATION

THE mantle of Chatham fell upon Shelburne, now perhaps the most remarkable member of the House of Lords. His reputation is a posthumous reputation. There is, notoriously, plenty of extravagant contemporary abuse. He is likened to Catiline and Borgia; he is George III's 'Jesuit of Berkeley Square', Henry Fox's 'perfidious and infamous liar', Horace Walpole's 'pedant in villainy', who 'not only had no principles, but was ready for any crime that suited his plans'. Yet this was the man whom Disraeli discovered to be 'one of the suppressed characters in English history', 'the ablest and most accomplished minister of the eighteenth century'. The suspicion felt for him by contemporaries is accounted for no doubt partly by the apparent inconsistencies of his career. It told against him that he had started his political life under the aegis of Bute; that he had been associated with Henry Fox, Grenville, and the other members of the Triumvirate; that he had then gone over to Pitt. He had quarrelled with Fox; he had quarrelled with Halifax and Egremont; in Chatham's tessellated Administration Grafton could not abide him. Later on he quarrelled with Charles James Fox, and was proscribed by the whole Rockingham connexion. Some of Shelburne's unpopularity must be attributed to absence of tact and to an obsequiousness of manner, which was no efficient disguise of his supercilious contempt for the majority of other men as his intellectual inferiors. He certainly appears to have seen farther than most of his contemporaries, and he is remarkable for the modernity of his views, as well as for the wide scope of his knowledge. He was a believer in parliamentary reform, in free trade, and religious toleration. He was the friend of many of the outstanding thinkers and reformers of the day—of Bentham, Price, Priestley, Romilly, Morellet, Mirabeau. The force of

his speeches is still apparent, and Camden considered him superior as a speaker to all other peers of his day, with the exception of Chatham.[1]

The last years of Lord North's Administration, when Shelburne was its most distinguished opponent, are years of ever-deepening shadow. The entry of France into the war was followed in June 1779 by that of the other Bourbon Power, Spain. Our treatment of neutral shipping led to the formation of the Armed Neutrality of the North, which comprised Russia, Sweden, Denmark, Prussia, and the Empire. This threatened at any moment to develop into an armed hostility. In December 1780 disputes with the United Provinces over the same question of the right of search involved us in war with the Dutch. In these circumstances Great Britain was no longer fighting simply for the retention of her colonies; she was fighting for her own preservation. The area of hostilities was world-wide, and the need for a comprehensive scheme of strategy and a single directing intelligence was just as great as it had been during the Seven Years War. But these were absent. Lord North's Government—a combination of mediocrities—possessed only one of the virtues needed for the conduct of successful war, namely, doggedness; it was quite lacking in vision and imagination.

When the debate which had been interrupted by Chatham's seizure was resumed, Shelburne laid the blame for the serious posture of foreign affairs directly upon the Administration. 'If other men were at the helm', he declared, 'France dared not act in this way; her ministers know it.' The whole political system, which the present Government represented, was corrupt. All our ills, foreign as well as domestic, resulted from corruption in the State. There could be no salvation without a national revival. 'Combine and connect every party and description of men.' This was the same language which Chatham had often spoken, and again, like Chatham, Shelburne went on to appeal from the corrupt elements in the constitution, and

[1] Disraeli discusses the character of Shelburne in the first chapter of *Sybil*. See generally Lord E. Fitzmaurice's standard *Life*.

especially from a servile House of Commons, to the Peers. The former were not the sole guardians of the people's rights. 'I say this House are equally the representatives of the people. They hold the balance, and if they should perceive two of the branches of the legislature unite in oppressing and enslaving the people, it is their duty to interpose to prevent it.' In the same debate, Abingdon, deploring 'these dead majorities', which 'will be the ruin of this nation', in revolt against the deadweight of Ministerial influence, urged that it was not only by their votes in the Chamber that Peers could give their advice to his Majesty. 'My lords, we are the hereditary counsellors to the Crown, and have a right to an audience of his Majesty at all times, to lay our humble services before him.' He suggested that the minority in the House should go as a body and place their views before the King in person. The suggestion was not accepted, and indeed had not much point, seeing that Lord North's 'dead majority' and the King were at one.[1]

In their consciousness of their impotence in Parliament, the Opposition were ever seeking by one striking method or another to advertise to the world their appreciation of the gravity of the nation's situation, and to demonstrate that the Government failed to realize it. Thus on June 2, 1778, Bolton moved that the date of the prorogation of Parliament should be deferred. Camden urged this largely on account of the uncertainty about Spain's attitude. Misled as they had been by France's verbal assurances as to her neutrality, Ministers should be satisfied with no less tangible proof of her goodwill from Spain than disarmament. At any rate Parliament should not be suffered to adjourn at so critical a time. No proposal for the prolongation of the session into the summer months was ever popular in the eighteenth century, and it may well be doubted whether the Opposition would have been any more successful than the Administration in whipping up attendances at Westminster.[2]

[1] For these speeches see *P. H.*, vol. xix, 1031–59; Walpole, *Last Journals*, vol. ii, p. 254.

[2] *L. J.*, vol. xxxv, p. 512; *P. H.*, vol. xix, 1257–71.

When at the opening of the new session, on November 26, the customary address of thanks was moved in the customary terms of expatiation upon the virtues of the Sovereign and the baseness of the American rebels, the Opposition did not move the customary amendment; they offered a direct negative. This conduct Sandwich denounced as scandalous and unworthy of Englishmen, when the country was at war. But this debate afforded some slight encouragement to the Opposition. Shelburne, in drawing a dark picture of the times—falling trade, naval deficiencies, and reverses—was extremely vigorous and so far carried away some sympathetic visitors in the House that they openly applauded and thumped with their sticks upon the floor—a demonstration which very much irritated Lord North's supporters, who ordered the visitors to be turned out. Another notable feature of the occasion was the desertion of the young Earl of Derby,[1] who had hitherto consistently voted with the Government, but who now left them and made quite an effective speech explaining his conversion, which he ascribed partly to the Ministers' happy-go-lucky readiness to go to war with new foes when they had proved themselves incapable of dealing with those they had already.[2] There were instances at this time of a similar change of attitude on the part of certain courtiers in the House of Commons.

Doubters, then, were beginning to make their appearance. Our unfavourable prospects were becoming uglier every day. The commissioners sent to America to endeavour to effect a settlement had met with no success whatever. In these circumstances they had issued a manifesto, more minatory than conciliatory, contrasting the blessings of peace with the horrors of protracted war. Critics of the Government maintained that this proclamation was simply an attempt to bully the colonists into accepting terms by threatening an intensification of hostilities. A motion in the House of Commons, condemning it on these grounds, was defeated by 209 to 123. On December 9 Rockingham

[1] The twelfth earl, who had succeeded to the title on Feb. 22, 1776.

[2] For this debate see *P. H.*, vol. xix, 1279–1319; *Annual Register*, vol. xxii, Hist., pp. 80–1; Walpole, *Last Journals*, vol. ii, pp. 300–2.

drew the attention of the Peers to the document. He likened its principles to those of Herod, the destroyer of innocents, and called upon the bishops to make a united protest against it. One of them joined heartily in Rockingham's denunciations—Hinchcliffe of Peterborough, a stalwart Whig, who declared that the manifesto fixed 'indelible disgrace on the name of Britain'. But the majority of his brethren held their peace, and Abingdon, who disliked the clergy, described the bishops as up to their very necks in the blood of America, and bade them go and repent, 'not in your lawn sleeves dyed with blood, but in sackcloth and ashes'.

Among the most stalwart defenders of the manifesto was the new Lord Chancellor—he had been appointed in June—Thurlow. This remarkable man, who though a poor lawyer, and from a purely legal point of view not for an instant to be compared with Hardwicke or Mansfield, came to exercise an authority in the House as commanding as theirs. While they owed their ascendancy primarily to their legal knowledge, inherent personal dignity, and intellectual greatness, Thurlow owed his almost entirely to a hectoring tongue and a terrifying manner. Dark and rugged, with strongly marked features and the bushiest of eyebrows, 'he impressed his auditors with awe, before he opened his lips'. 'Dark and daring,' says Horace Walpole, 'he was fitted to serve a bold and arbitrary court'; and certainly George III approved of him, and for a time seemed to regard him as indispensable. Walpole says 'he made a wretched figure as Chancellor'; yet according to Wraxall, as Speaker of the House of Lords he 'fulfilled all the expectations entertained of him', his presence and manner being 'formed to lend dignity to the Woolsack'. It is simply a question of the point of view. Thurlow had no moral dignity, but he certainly inspired fear. He himself felt none for the assemblage into which he had entered. He had an immense contempt for his audience there. His self-confidence was boundless. His ascendancy dates from the day when Richmond taunted him upon his lowly birth. The Duke, who so proudly vaunted his royal lineage, and who had as a young man denounced

even Chatham, undismayed by his piercing eye, met more than his match in Thurlow. What was his Grace that he should cast contempt upon the Lord Chancellor's forbears? —He was merely 'the accident of an accident'. Having got the better of Richmond, Thurlow could browbeat all. Brougham described his oratory in the House as consisting of 'positive assertions, vituperations, sarcasms at classes, sentences upon peers as if standing before him in judgement—protestations of conscience, duty'. Sarcasm was his favourite weapon. He bit and he bullied.[1]

Thurlow informed the King at this time—so early in his career as Speaker of the House—that the Lords did not know how to conduct a debate properly, but that he would bring them to order. So now he told them that they were indulging in a latitude of debate 'very unbecoming the gravity and dignity of their lordships' proceedings'. He baited the poor Bishop of Peterborough, who in an unhappy moment had used the metaphor 'fruitless desolation'. Thurlow told him that it was neither sense nor grammar. He then proceeded to trounce in turn Grafton and Shelburne, especially the latter.

After Camden had spoken in defence of Shelburne a division was taken, and Rockingham's motion was defeated by 71 to 37.[2]

Thurlow's bullying methods are again illustrated by a debate relating to the court-martial of the Whig admiral, Keppel, for the indecisive engagement off Ushant which he had fought against the French on July 27.[3] In the interests of Keppel, who was ill at the time of his trial, a bill was introduced into the Commons to enable the Lord High Admiral at his discretion to order a court-martial to be held

[1] On Thurlow see Wraxall, *Memoirs*, pp. 324–5; Walpole, *Last Journals*, vol. ii, pp. 311–13; Campbell's *Lives of the Lord Chancellors*, vol. v, pp. 473–678, esp. 492; Brougham, *Statesmen of the Time of George III* (3 vols., 1839), vol. i, p. 94; *Reminiscences of C. Butler*, vol. i, pp. 189–90.

[2] On this debate, *P. H.*, vol. xx, 1–46; *Annual Register*, vol. xxii, Hist., pp. 89–91; Walpole, *Last Journals*, vol. ii, pp. 326–7. See also *L. J.*, vol. xxxv, pp. 530–2; *Complete Protests*, vol. ii, pp. 178–81.

[3] For the tactical question involved and the dispute between Keppel and his second-in-command, Palliser, which became a burning matter of party politics, see Mahan, *Influence of Sea Power on History* (5th ed.), pp. 350–2.

LORD CHANCELLOR THURLOW

From the portrait by Phillips in the National Portrait Gallery

either on ship-board or on land. While the preamble related specifically to Keppel, the enacting clauses were of general purport. This measure passed through all its stages in the Lower House in a single day. Bolton, who was in charge of it in the Lords, wished to follow the example of the other Chamber in this respect. Thurlow was horrified at the unorthodox suggestion, and refused to entertain it. He expressed his disapproval of a bill of general application being introduced avowedly for the benefit of one person only. In a way to which the Chamber was unaccustomed he rebuked Bolton and Shelburne for irrelevance. The Duke of Manchester protested strongly. 'If the orders of the House were not liberally interpreted, there would be an end of all freedom of debate, and the arguments of lords upon the most important subjects, would dwindle into the insignificance of petty disputes and technical wranglings of lawyers at the bar.'[1]

Naval affairs frequently engaged the attention of the House during the first half of 1779, Sandwich's conduct at the Admiralty being vigorously and persistently attacked on the grounds of blundering and corrupt mismanagement. There was in particular a prolonged inquiry into the alleged perversion of the use of Greenwich Hospital, the charge being that the Hospital had been transformed into 'a den of borough jobbers', the various posts in connexion with it having been bestowed by Sandwich not upon deserving retired seamen but upon political hangers-on. The Opposition, who on this case possessed strong evidence, were disgusted when, upon the eventual conclusion of the investigation in June, his party rallied well to the support of Sandwich, and Richmond's interpretation of the case was rejected by 67 to 25.[2] The Opposition had done considerably better than this on April 23, when the Earl of Bristol[3] moved that the First Lord of the Admiralty should be removed from his office. They succeeded in mustering as many as 39 in the division to the Government's 78.[4]

[1] *L. J.*, vol. xxxv, pp. 541–2; *P. H.*, vol. xx, 93–111.

[2] *P. H.*, vol. xx, 475–592; *Annual Register*, vol. xxii, p. 162; *L. J.*, vol. xxxv, p. 776.

[3] The third earl.

[4] *P. H.*, vol. xx, 426–69; *Annual Register*, vol. xxii, Hist., pp. 153–9.

On June 17 the King announced to Parliament that Spain had declared war.[1] A week later the House was considering measures which had come up from the Commons designed to meet the new emergency. Among them was one to take away the exemptions enjoyed by all seafaring men and watermen. The Rockinghams attacked this bill in unmeasured terms. Bolton affirmed that it would be madness to put to sea with such riff-raff as would be forthcoming by it. Others denounced it because it would put too much power into the hands of the First Lord, making him 'sole arbiter of the liberty of the subjects'.

Among the gravest subordinate problems of these years of fateful conflict was that of Ireland. The principal market for that country's linen manufactures had been America; now that market, together with the brisk trade also carried on with France, was cut off. In these circumstances, the restrictions placed upon Irish commerce by the British Parliament became insupportable, and in 1778 the country's economic situation was desperate. Lord North saw that some measure of alleviation of Ireland's distresses was necessary. We could not afford to risk losing Ireland as well as America. But proposals put forward in the House of Commons for removing some of the restrictions on Irish trade were stoutly resisted by English and Scottish manufacturers, and the relief measures only survived in an emasculated form.[2] Next year Irish traders retaliated by a formidable non-importation demonstration against Great Britain. The progress of the loyal Volunteer movement at

[1] *Annual Register*, vol. xxii, Hist., pp. 165–8; *P. H.*, vol. xx, 876–95; *Complete Protests*, vol. ii, pp. 185–9. Abingdon on this occasion moved as an amendment to the address that His Majesty shall remove his present Ministers 'as the only means of preservation left for the political existence of this once great, but now expiring empire'. Another bill was one for doubling the militia, which the House passed with amendments. As it involved great additional expenditure, some averred that it was a Money Bill; others held that a bill was not a Money Bill unless it came from a Committee of the whole House of Commons or from a Committee of Supply. North in his easy-going way, having got the bill passed, had no wish to pick a quarrel with the Lords on a technicality and expressed his willingness to pick up the crumbs which fell from the Lords' table. *P. H.*, vol. xx, 969–1008; *Complete Protests*, vol. ii, pp. 189–93.

[2] *P. H.*, vol. xix, 1100–26.

the same time inevitably gave new strength to the political demands of the Irish people, and made the Irish problem more urgent than ever.

On May 11, 1779, Rockingham brought the question before the House of Lords, drawing a dark picture of Ireland's economic situation. Ministers did not suggest that the delineation was overdrawn, and Gower, the Lord President, assured the House that the Government would do its utmost to meet Ireland's needs. Shelburne, on behalf of the Opposition, expressed himself as well satisfied with these promises.[1] On May 27 and again on June 2 the Opposition peers, who expected something to be done immediately, wanted to know why nothing had been done as yet. Gower, on the second occasion, very reasonably argued that the matter was of too great magnitude to be settled in a week or two, and that the interests of British traders and manufacturers as well as of the Irish had to be taken into consideration.[2] When Parliament reassembled in the autumn, the Irish Question was kept well to the forefront during the debate on the Address [3] and again on December 1, when Shelburne moved a vote of censure upon Ministers who had 'suffered the discontents of that country to rise to such a height, as evidently to endanger a dissolution of the constitutional connexion of the two kingdoms'. Nothing, he maintained, would now satisfy the Irish but 'an unrestricted trade to every part of the world, independent of the control, regulation, or interference of the British legislature'. But it was of no avail to attempt anything in that House; he had grown tired of his membership of it. No impression could be made upon the Government; 'all was buried in equivocal answers, totally evaded, or passed over in silence.' Yet this debate was not unsatisfactory from the Opposition's point of view: for Gower, the Minister who in the summer had been excus-

[1] *Ibid.*, vol. xx, 635–51; *L. J.*, vol. xxxv, p. 732.

[2] *P. H.*, vol. xx, 663–75.

[3] The debate closed with a division of 82 to 41, the latter the largest figure the Opposition to North had achieved in the House of Lords. Grafton attributed it to the menacing situation at sea. *Autobiography*, p. 310. For the debate see *P. H.*, vol. xx, 1020–92; *Annual Register*, vol. xxiii, pp. 53–4.

ing the Ministry's delay in dealing with Ireland, and who had resigned during the recess,[1] now rose to assure the House that he personally had done everything in his power to keep his promise, but his efforts had been unavailing; and he went on to say that 'he had presided . . . for some years at the council-table, and had seen such things pass there of late, that no man of honour or conscience could any longer sit there'. Richmond was overjoyed at a statement which seemed to him to prove the existence of the 'secret influence and secret advice which had distinguished the present from every other reign since the Revolution'. Shelburne's motion was rejected (82 to 37).[2] The Opposition had apparently been beaten as usual; but they were in reality the winning side: for the Government had already been persuaded to take their view of the Irish Question, and, ignoring the continued protests of British traders, to repeal the Restriction Acts. The repeal was shortly afterwards carried through both Houses without difficulty.

Secret influence had long been the reiterated theme of the Opposition, but they had hitherto been content with denunciations. They were now prepared to produce a remedy—Burke's scheme of economical reform, of securing such a reduction in Treasury expenditure as would at one and the same time improve the national finances and deprive the Crown of its means of influencing Parliament. Towards the end of this year, 1779, the organization of public opinion upon the subject up and down the country was started under the direction of Christopher Wyvill, and on December 30 a representative meeting of the nobles, gentry, and freeholders of the county assembled at York, and adopted a petition to be presented at Westminster on the subject of parliamentary reform.[3] Three weeks earlier—on December 7—Rockingham had started the campaign in the House of Lords, when after expressing a gloomy view of our financial situation, he proposed a motion for a representation to His

[1] See *Grafton's Autobiography*, p. 310.

[2] *P. H.*, vol. xx, 1156–78; *Annual Register*, vol. xxiii, pp. 57–64; *L. J.*, vol. xxxvi, p. 10. On Shelburne's Irish policy see Fitzmaurice, vol. ii, pp. 61–7.

[3] See G. S. Veitch, *The Genesis of Parliamentary Reform* (1913), pp. 54–64.

Majesty in favour of a reduction in the Civil List, in view of the need of an instant remedy for the waste of the public treasure. Lord Stormont, now a Secretary of State, answered that the state of the national finances was only what was normal in a country at war, and that to give the impression that we were unable to pay the King's income 'must sink us in the eyes of all Europe'. This argument showed a curiously personal and shallow view of fiscal matters, shared by many to the great facilitation of George III's methods of government.[1]

Rockingham's motion was duly defeated (77 to 36, including proxies), but the Opposition prosecuted their campaign with vigour. On the 15th Shelburne brought up the question of 'extraordinary' or supplementary expenditure on the army, and complained that the practice of exceeding the estimated expenditure was not only alarming in view of the financial situation, but 'at all times an invasion of the fundamental rights of Parliament'. Stormont found Shelburne's argument monstrous and unreasonable, and accused him of trying to starve the country during a great war. A motion in condemnation of the 'extraordinaries' was lost by 81 to 41, but the latter figure represented quite a good muster for the Opposition.[2] On February 8, 1780, Shelburne moved that a joint committee of both Houses, consisting only of persons who held neither pension nor emolument, should be appointed to examine into the national expenditure and method of accounts. Hitherto economic reform had been advocated principally on the ground of economic necessity; but now Shelburne admitted that the main object of his motion was 'to annihilate the undue influence, operating upon both Houses of Parliament', the influence which had penetrated into every department of state to the

[1] *P. H.*, vol. xx, 1255–67; *Annual Register*, vol. xxiv, Hist., pp. 72–7; *L. J.*, vol. xxxvi, p. 15. For list of those who voted in the minority see *P. H.*, vol. xx, 1266–7.

[2] *P. H.*, vol. xx, 1285–93; *A. R.*, vol. xxiii, Hist., pp. 100–13. See also Fitzmaurice, *Shelburne*, vol. iii, p. 67. Lord Ossory writes: 'The debate of yesterday in the House of Lords was the best I ever remember to have heard. By coming in late, I lost the first half of Shelburne's speech; but what I heard I thought excellent, very violent and very personal to the King. . . . The Duke of Richmond equalled him in violence.'

advancement of the unworthy and the servile. He aimed at restoring the Crown to its constitutional position and rendering Parliament once more independent. Peers on the Government side—Stormont, Hillsborough, Mansfield—tried to make out that the motion was both improper and impracticable, because the Commons would never agree to an inquiry by the House of Lords into public expenditure; the only upshot of the adoption of the motion would be a quarrel between the Chambers. Richmond repudiated this view. The Peers were not representatives of particular localities as were the members of the other House, but they were representatives of the whole body of the people, and if the people were aggrieved, the Lords had the right to take whatever action seemed expedient on their behalf.[1]

The debate was remarkable for the fact that two erstwhile supporters of Administration—the Marquis of Carmarthen and Lord Pembroke—joined forces with the Opposition.[2] Carmarthen had resigned his office in the Household, and now explained his action as being due to his inability to work any longer with Ministers who were 'pusillanimous, incapable and corrupt'.[3] For their votes in this debate these two peers were removed from their lord-lieutenancies.

On March 10, while Burke was championing the cause of economical reform in the Commons, Effingham brought forward a motion that a list should be laid before the House of all its members who enjoyed any place, pension, or employment. He called upon the Peers to free their Chamber at all events from royal corruption. It behoved them to stand

[1] When the motion was rejected by 101 (including 20 proxies) to 55 (including 5 proxies), a long protest was drawn up. One of its arguments was that the Commons' claim to initiation of taxation was no bar to co-operation between the Chambers in financial inquiry. Another argument was that a financial inquiry was demanded by public opinion, as was shown by the county petitions—the Yorkshire petition had been followed by others. In this debate these petitions had been denounced as 'the last struggles of an expiring faction'.

[2] The Marquis of Carmarthen, eldest son of the fifth Duke of Leeds, had been summoned to the House of Lords on May 15, 1775, as Baron Osborne of Kiveton. See Doyle's *Complete Baronage*, vol. ii, p. 330. Pembroke was the tenth earl, 1734–94.

[3] *P. H.*, vol. xx, 1318–70; *Complete Protests*, vol. ii, pp. 193–9; *L. J.*, vol. xxxvi, pp. 30–2.

high in the opinion of the people, for that opinion would always be their best and surest support. It was surely in their interests that the people should have confidence that their lordships were actuated solely by desire for the public welfare. Stormont resisted the motion because it was unprecedented, and because it implied a most injurious censure upon their lordships. It was defeated by 51 to 24.[1]

One of the principal features of the economy campaign carried on in the Commons was the production of the so-called Contractors Bill, which aimed at excluding members of that House from being concerned in any Government contract, unless it was made at a public bidding. Supporters of the measure in the House of Lords urged its acceptance on the grounds that it was necessary in order to carry out the wishes of the people as expressed in the county petitions, and that inasmuch as the bill concerned the Commons only and had been accepted by them, it would provoke a quarrel if the Peers interfered to defeat the reforming ardour of the other Chamber. The Courtiers objected violently to this doctrine. It did not become their lordships' gravity, said Thurlow, to suppose that they must implicitly accept every proposition agreed to in the Commons. As to the county petitions, he was by no means satisfied that they represented the opinion of the majority of the population, and unless they did so they amounted to just nothing. But even if they did, he was surprised to hear it suggested that ' they must operate upon the different branches of the legislature, so as to produce a prompt, implicit, and unconditional acquiescence in whatever the people sought or wished, no matter how absurd or pernicious the consequences. . . . If associations and committees were to compel one branch of the legislature, and terrify the other, to comply with their desires, the freedom of Parliament was at an end.' Hillsborough discerned in this bill a signal opportunity for the Peers to exercise their distinctive function of correcting the balance of the constitution. He regarded this measure as an excess of virtue, a veritable madness of virtue. It was their lordships' duty

[1] *L. J.*, vol. xxxvi, p. 62 ; *P. H.*, vol. xxi, 229–33.

to resist this delirium, this rage and tempest of liberty, and bring the people back to coolness and sobriety. The object of the bill was the suppression of corruption in the House of Commons, but the fact that that House had accepted the bill was proof that it was not needed, that the Commons were independent![1] In any case, he did not believe that corruption could be cured by legislation; Mansfield and he agreed in maintaining that the cause of corrupt practices was human nature, which no legislation could alter. There was more point in Mansfield's contention that the restrictions contemplated by this bill were liable to evasion, as a member of Parliament could easily procure a friend to act for him in competing for a contract.

The bill did not get very far in the House of Lords, the motion to commit it being rejected by 61 to 41. Protesters argued that the people, already heavily pressed by financial burdens, had a right to see to it that none had the power of imposing such burdens who had an interest in increasing them. The reasons brought against the measure had been wholly frivolous. The frenzy of virtue to which the Courtiers took exception they regarded as 'rather a character of soundness than a symptom of insanity'.[2]

There was one important member of the House of Lords whose zeal for parliamentary reform was not satisfied by the economy campaign. This was the Duke of Richmond, who at this period of his career evinced a radicalism quite abhorrent to the remainder of his party. He aspired to manhood suffrage, annual elections, and equal electoral districts.[3] On June 2, 1780, he was to introduce a bill including these three revolutionary proposals into the House of Lords, and the day would have been memorable on that account in any case. It is remembered for quite a different reason. In 1778 a measure proposed by the Whig Sir George Savile had passed through Parliament for relieving Roman

[1] Hillsborough also argued that there could be corruption without places or emolument. 'Men who voted uniformly against the Administration, because they had not places, might be said to vote as corruptly as those who had voted constantly for them, because they had places.'

[2] For this debate, *P. H.*, vol. xxi, 414–59; *Complete Protests*, vol. ii, pp. 202–4.

[3] On his motives, see *supra*, p. 333.

Catholics of certain disabilities. They might acquire land by purchase or inheritance on abjuring the temporal jurisdiction of the Pope ; priests might celebrate mass without suffering imprisonment. The Act applied to England only. Lord North's Government proposed to extend it to Scotland, but north of the Tweed fanaticism was far stronger than in the south, and violent protests were heard in Glasgow and Edinburgh. Demonstrations in the north encouraged anti-Romanist enthusiasts in England, and a Protestant Association was formed under the presidency of the lunatic Lord George Gordon. On June 2 a mob of 60,000 people under Gordon marched to Westminster to present a monster petition for the repeal of Savile's measure, and violent scenes took place in the precincts of Parliament.[1] The unbridled fury and disorder of the rioters outside seemed an ironical commentary upon the bill which Richmond rose to propose in the interests of the unenfranchised populace.

Every peer who entered the House to take part in the debate bore the marks of the crowd's ill treatment. Mansfield, now an old man, was roughly handled, and came into the Chamber with his wig dishevelled ; Bathurst, who showed great courage in the face of the mob's menace, was dewigged ; Northumberland, Townshend, Aberdeen, Denbigh, Cholmondeley, Hillsborough, Willoughby de Broke were all set upon ; Stormont narrowly escaped with his life. The Archbishop of York had his lawn sleeves torn off and thrown in his face ; the Bishop of Lincoln, who, as a brother of the Lord Chancellor, was specially unpopular with the crowd, did not succeed in reaching Westminster, but had to flee in disguise over the roofs of houses. Sandwich also failed to make his way through the crush. His coachman decided that the better part of valour was discretion, and drove him back to the Admiralty.

As a background to Richmond's democratic oration there was the dishevelled assembly of the Peers, their clothes torn and muddy, their wigs awry, their hair about their faces, few of them paying any attention to what was spoken

[1] See P. de Castro, *The Gordon Riots* (Oxford, 1926).

within the Chamber, but rather listening to the wild pandemonium, the hurrahs, the shouts, the hisses in Old Palace Yard. Some of them wished to adjourn, others to send for the magistrates and the Guards, so that there was almost as much excitement and disturbance within the House as in its precincts.

Richmond could not but make reference to the scenes outside, which he sincerely lamented. He had, he said, been given the name of leveller because he advocated reform; but he was no leveller. He did not wish for the indiscriminate mixture of classes. 'There was an eternal barrier in the human mind, against the equal division of wealth and power, were he weak enough to endeavour to persuade his fellow-subjects to the contrary.' He was offering his proposals for doing away with the noxious influence which had corroded Parliament and Administration, when he was prevented from proceeding by the persistent interruptions of Lord Montfort. The latter was trying to draw the attention of the House to what was at that moment happening to one of its members, Lord Boston, who had been dragged from his coach, was being savagely mauled by the demonstrators, and in danger of being trampled to death. If he were not instantly succoured, his life might be forfeit. Many voices thereupon spoke at once. What was to be done? Townshend proposed that the Peers should go out as a body to succour Lord Boston. Richmond seconded this, and suggested that the mace should be carried out at the head of the procession. Mansfield—though doubts were expressed as to whether the crowd would respect the mace—declared his readiness to lead the way, and this strange and unprecedented ceremony might have taken place, had not Boston himself made his appearance, showing the marks of his ill treatment, but safe in life and limb.

The tumult and danger began to react upon the nerves of the Peers, and heated altercations took place. Shelburne rose very angrily to throw all the blame for what was taking place upon the Ministry. They had had timely warning that the demonstration would take place that day, yet they had done nothing to guard the approaches to the Houses

of Parliament. Hillsborough made an angry reply. Warning had been sent to the magistrates of Westminster, and they had been authorized to quell any tumults which might take place. 'When, when?' demanded Opposition peers. 'Yesterday,' answered Hillsborough, and if necessary, he could name the hour and the minute. 'Hours and minutes,' retorted one infuriated Opposition peer disdainfully, 'hours and minutes had been allowed to pass. Steps should have been taken before yesterday.'

News was brought that the disorder outside was actually increasing. Voices cried that the civil authority must instantly exert itself, and if it was unable, then the military. Shelburne strongly objected to the suggestion that armed forces should be employed. It was decided to send for one of the Westminster magistrates. He appeared. He had, he said, been trying to collect constables. He had so far succeeded in finding six. He was ordered to try every possible means to disperse the mob, and then withdrew. As it was obviously out of the question to try to go on with ordinary business, Richmond himself moved the adjournment till next day. The House accordingly adjourned at nine. Ere that the Chamber had been gradually thinning, members escaping in hackney-carriages or on foot under cover of dusk. At the last only the aged Lord Mansfield remained, not one of his younger colleagues having waited to protect him.[1]

On the reassembling of the House next day, Bathurst at once raised the question of the gross insults and violence to which the Peers had been subjected. Before their lordships passed on to other business, he urged that 'it behoved them to do something for the recovery of their dignity'. This he thought could best be done by an address to the King

[1] It may be partiality which leads Lord Campbell to attribute to Mansfield more personal courage than was shown by the rest of the peers on June 2. See *Lives of the Chief Justices*, vol. ii, p. 520. Cf. Walpole's *Letters*, vol. xi, p. 188, where Mansfield is described as 'quivering on the woolsack like an aspen'. For the events of this day in the House of Lords, see *P. H.*, vol. xxi, 664–72; *Annual Register*, vol. xxiii, Hist., pp. 190–2; *L. J.*, vol. xxxvi, p. 142; Walpole, *Letters*, vol. xi, pp. 187–8, 199, 214, 232; *Last Journals*, vol. ii, p. 403.

praying him to give directions for the prosecution of the authors, abettors, and instruments of the outrages perpetrated yesterday in Old Palace Yard and elsewhere. Richmond attributed the demonstration to the Quebec Act. To give relief to Roman Catholics was 'an innocent, nay a laudable measure', but the Quebec Act had gone far beyond this; it had established Popery in Canada. Shelburne dwelt upon the inadequacy of the police system in Westminster. Three things were imperatively needed—better police arrangements in Westminster, the punishment of the rioters, the repeal of the Quebec Act.[1]

Their lordships having assuaged their injured feelings somewhat by divers reflections and counsels concerning the Gordon Riots, the way was clear for Richmond's bill, which it took a whole hour and a half to read.[2] The Duke in his speech pronounced an encomium upon the British constitution, but urged that as regards the representative system it needed amendment. He dwelt upon scandalous anomalies in the system, and urged that the right of election belonged to all the males of the community. Stormont declared that our constitution deserved all the praise that Richmond had bestowed upon it; it 'surpassed all that had been thought of by the wisest philosophers in the wisest times'. Its excellence was an argument against all innovation. 'We know what it is now, but shall we be able to say what it may be, if we attempt reforms?' There was not the remotest chance of Richmond's bill securing even a second reading, and it obtained no support at all. Its author offered to withdraw it, if only it could be read once, so that a record of it might be left in the *Journals*. It was brought in and read, but it was not possible for Richmond to withdraw it, as it had thereby become the Bill of the House.

[1] *P. H.*, vol. xxi, 672–86.

[2] *L. J.*, vol. xxxvi, p. 144. An Act 'for declaring and restoring the natural, unalienable and equal right of all the Commons of Great Britain (in fact, persons of insane mind and criminals incapacitated by law alone excepted) to vote in the election of their representatives in Parliament; for regulating the mode and manner of such elections; for restoring annual parliaments; for giving an hereditary seat to the sixteen peers; and for establishing more equitable regulations concerning the peerage of Scotland'.

Stormont then moved its rejection, which was agreed to without a division.[1]

This day, June 3, was a quiet day in London, but the mob, finding that the forces of law and order made no move whatever, was encouraged to demonstrate again, and did so on Sunday, June 4. Next day the capital was at the mercy of rioters, who no longer troubled their heads about the anti-Popery cause, and were bent solely upon plunder, arson, and mischief. Among other houses which were destroyed during the days of nightmare that followed was Mansfield's mansion in Bloomsbury Square, including his great library, to the irreparable loss of himself and posterity. All civil authority seemed paralysed. At last, on Wednesday the 7th, seeing that his Ministers were apparently quite destitute of courage and resource, the King took the manly and courageous decision of acting on his own initiative and calling out the troops, who alone were powerful enough to suppress the rioters. The use of the military proved immediately effective. On June 19 George III addressed Parliament on the subject of the riots and on the part he had taken in their suppression. An address was moved by the Duke of Dorset approving the King's action. Richmond, who had feared that his own house would be attacked, and who had been pressing for the employment of troops, declared that he was more pleased with the speech from the throne than with any he had heard for years. Mansfield also justified the King's action in quelling riots which had proceeded ' upon a systematic plan to destroy the constitution and overturn the government ', maintaining that the Crown possessed the prerogative of protecting and preserving the State in case of an emergency ' not provided for in the ordinary contemplation and execution of law '. He added, pathetically, that he must give his reasons for the view he took from memory. ' I have not consulted books ;—indeed, I have no books to consult.' [2] He deplored the necessity there had

[1] *P. H.*, vol. xxi, 686–8. Richmond was disgusted by the fact that none of his friends supported him, and retired into the country next day in high dudgeon.

[2] Walpole, very ill-naturedly, observes : ' Even Lord Mansfield has

been of using troops, but he was satisfied that 'no steps had been taken which were not strictly legal, as well as fully justifiable in point of policy'. The address was agreed to unanimously.[1]

The Lord George Gordon Riots were not wholly without effect upon Parliament; the Commons showed a disposition to make some concession to anti-popery infatuation. On June 20 the House of Commons while passing several resolutions justifying Savile's Relief Act agreed to a bill 'to secure the Protestant religion in Great Britain from any encroachments of Popery, by more effectually restraining Papists . . . from teaching, or taking upon themselves the education or government of, the children of Protestants'. This bill passed the Lower House on the 28th. In the House of Lords the bishops, as was to be expected, took the chief part in the discussion. Several of them averred that there had been a notable increase of papists and papist schools in their dioceses, and that Protestant children were inveigled into entering them. The Bishop of Peterborough—in this supported by Grafton—avowed himself to be against any toleration of Romanists, but most of the bishops, whatever their views as to this particular measure, were in favour of toleration as a rule. The Lord Chancellor trounced the bill severely. Roman Catholic Englishmen were Englishmen, and if they had behaved as such, they were therefore entitled to the protection of the country's laws. He also drew attention to a practical difficulty not to be ignored. How were children to be taught Italian and music properly unless by papists? When a new Bishop of St. Davids,[2] making a maiden speech in the House, dared to express his dislike of Savile's relief measure, he was soundly castigated by Thurlow. The bill was lost in a very thin House.[3]

risen like a phoenix from the flames, and vomits martial law, as if all law books were burnt as well as his own.' *Letters*, vol. xi, p. 232. The speech was described by one auditor as one of the finest ever heard in Parliament. See Stanhope, *History of England, 1713–83*, vol. vii, pp. 37–8.

[1] *L. J.*, vol. xxxvi, p. 147; *P. H.*, vol. xxi, 688–98.

[2] John Warren, 1730–1800. He was translated to Bangor in 1800.

[3] *P. H.*, vol. xxi, 702–26, 757–66; Walpole, *Last Journals*, vol. ii, pp. 419–21; *Letters*, vol. xi, p. 233.

Nothing more enhances the popularity of a Government than the suppression of an outbreak of violence which has alarmed the public mind, and Lord North's Administration —little as it really deserved the credit for the quelling of the Lord George Gordon riots—was no doubt for a time strengthened by the events of that ugly week in June 1780. But the advantage was only of brief duration. A further complication in the international situation, increasing the troubles and dangers of the country, reacted upon the prestige of the Cabinet. In March 1780 the Tsarina Catherine made the pronouncement on the subject of maritime law which led to the formation of the Armed Neutrality of the North. Our stoppage and seizure of Dutch merchantmen led to particularly strained relations with the United Provinces. It was easy to accuse the British Government of bungling diplomacy. Speaking on June 1, Shelburne condemned it for remissness in neglecting to procure alliances and of ineptitude in offending what friends we had. He took a most pessimistic view of the Armed Neutrality. It 'must terminate in the ruin of Britain, at least in the overthrow of her naval power'.[1] The successful campaign of Lord Cornwallis in Georgia and the Carolinas put heart into Ministerialists, and when a new Parliament met on November 1 it was possible for the mover of the address to adopt quite a cheerful tone about the military situation. There was felicitation upon another event also—the birth of a new prince. Abingdon objected characteristically to the congratulations tendered to His Majesty. 'He would speak his mind freely. The addition of another prince to the royal family was no matter of joy to him, since there was no provision that he knew of for so numerous a royal progeny. Thirteen colonies were lost, which would have been provision for thirteen children.'[2]

The discovery of the draft of a projected treaty between the United Provinces and America led to a declaration of war against the Dutch on December 20. Formal intimation of this was conveyed to Parliament by a royal message read

[1] *L. J.*, vol. xxxvi, p. 141; *P. H.*, vol. xxi, 629–54.
[2] *L. J.*, vol. xxxvi, pp. 182–3; *P. H.*, vol. xxi, 808–17.

by Lord Stormont on January 25, 1781, the message being accompanied by the presentation of a number of official documents which explained the British case against the Dutch. When Stormont was proceding to move a loyal address to the King, Richmond interrupted. Where were the papers that would give the Dutch version of the facts and explain this attitude ? He would prefer no account at all to a partial one. Thurlow answered that the papers before the House were more than sufficient to justify the Government's action. Richmond retorted warmly. Lords in Opposition were thwarted at every turn. He knew that the declaration of war was popular, that his motives would be misinterpreted : that would not prevent him from doing his duty. Stormont put what was no doubt the popular view, that the captured draft treaty showed that the Dutch, while nominally our friends, had been doing us ten times the mischief that their open enmity could have done us. Our declaration of war would stun them into their senses. Shelburne, who (if we may trust the published version of it) delivered a most turgid and lengthy harangue, seized upon this phrase. Yes, indeed, the Dutch would be stunned into their senses, would be roused by resentment at our piratical and violent acts to put forth their utmost efforts to show the same courage and heroism which they had displayed in their resistance to the oppression of Philip II of Spain. He made a survey as pessimistic as it was comprehensive of the nation's prospects. So terrible was it that ' the mind became bewildered and clouded ; even the powers of imagination failed '.[1]

The crowning catastrophe of the war occurred on October 29, 1781, when Cornwallis capitulated at Yorktown. The news reached England on November 25. Parliament was due to meet two days later. It was not easy to adapt the speech from the throne to meet these disastrous tidings, yet it gave no hint of surrender. An amendment to the address in the Lords was proposed by Shelburne, supported by Cam-

[1] Richmond's motion was lost by the crushing majority of 84 to 19. *L. J.*, vol. xxxvi, pp. 203–4 ; *P. H.*, vol. xxi, 960–1077 ; *Annual Register*, vol. xxiv, Hist., pp. 172–3.

den, Grafton, and Richmond, discussion of the immediate issue, the fall of Yorktown, being intermixed with references to the corruption of the constitution and the need of electoral reform. 'But', comments Walpole, 'if the nation was alarmed, and the Ministers thunderstruck, the venal Peers were not dismayed, at least not ashamed, for the amendment was rejected by 75 to 31.'[1]

On March 6, 1782, the House, acting on a motion of the Duke of Chandos, resolved itself into a committee to inquire into the causes of Cornwallis's capitulation.[2] Chandos, opening the proceedings, acquitted the admirals and generals concerned of all blame, and attributed the calamity solely to the failure of the Cabinet to provide adequate naval and military forces. Sandwich, speaking on behalf of the Admiralty, declared that they had provided to the best of their judgement and ability, but they had been unfortunate. He assigned two causes—the prejudices aroused and the obstructions created by the Opposition and an unfriendly Providence. One of the Opposition's spokesmen expressed amazement at this point of view. Had the Opposition succeeded in carrying a single motion? Had one single soldier been demanded and yet refused; a single shilling asked for and not obtained? Two motions proposed by Chandos, which set forth the Opposition's view of the causes of the Yorktown disaster, were defeated by 72 to 37.[3] The latter figure was not unsatisfactory to the foes of Government; it was rather better than their usual achievement. Still, though slightly reduced, the Government's majority in the House of Lords was practically unimpaired. In the other Chamber matters were very different. The fall of Yorktown had been a fatal blow to Lord North, and there had been a sensational breakaway in the Commons. On

[1] *L. J.*, vol. xxxvi, pp. 365–7; Walpole, *Last Journals*, vol. ii, pp. 474–7. The Government carried the day in the Commons by 218 to 129.

[2] In moving on Feb. 7 for the appointment Chandos had spoken of Cornwallis's men being taken prisoner 'by the United States of America'—to the horror of Ministers who regarded this as tantamount to the recognition of American independence. *L. J.*, vol. xxxvi, p. 383; *P. H.*, vol. xxii, 985–9; Buckingham and Chandos, *Memoirs of Court and Cabinets of George III*, vol. i, pp. 18–20, 21–2.

[3] *L. J.*, vol. xxxvi, p. 408; *P. H.*, vol. xxii, 989–99.

February 27, on the subject of the need of making peace with America, the Opposition had actually been victorious by 234 to 215.[1] Next day the Government had of its own accord introduced a bill for concluding a peace or truce.[2] On March 8 a vote of censure upon Ministers, moved by Lord John Cavendish, had been lost by no more than ten votes.[3] North at last prevailed upon the stubborn King to consent to his resignation. George, who regarded this blow to his methods of personal government as a base desertion, did so most unwillingly and ungraciously. Negotiations which commenced on March 11 terminated on the 24th in the admission to office of the Rockingham party for the second time.

The fall of North marks an important stage in British constitutional system The King's experiment had not indeed received its *coup de grâce*, but it was greatly weakened. The cause of North's downcome was clearly the persistent and ever-increasing failures of the American War. A brilliantly successful termination to that struggle would have had a most prejudicial effect upon the development of the party system. To the discomfiture of the Government the attacks of the Opposition during the last dozen years had contributed little or nothing in the House of Lords, little in the House of Commons before 1781.

[1] *P. H.*, vol. xxii, 1064–85 ; *C. J.*, vol. xxxviii, p. 861.
[2] *P. H.*, vol. xxii, 1101–9.
[3] *Ibid.*, 1114–50 ; *C. J.*, vol. xxxviii, p. 881. The numbers were 226 to 216.

CHAPTER XIV

THE ROCKINGHAM, SHELBURNE, AND FOX-NORTH ADMINISTRATIONS, 1782–3

THE second Rockingham Administration was not less unfortunate than the first. It was tolerated by the King as an unhappy necessity ; and just as in the first Administration George had his personal representative in its Lord Chancellor, Northington, so now the present occupant of the woolsack, Thurlow, performed the same function. There was indeed no cohesion in the Ministry. Rockingham and Fox did not see eye to eye with Shelburne and Camden : for the difference between the schools of Rockingham and Chatham continued to be a fundamental difference of temperament and principle.

The presence of Thurlow in the Cabinet proved a nuisance from the start. The new Ministers were intent on carrying through, now that they were in office, their measures for restraining parliamentary corruption which had proved abortive when they were in Opposition. The differences in Cabinet were at once revealed in the debates in the House of Lords when these measures were brought forward. Writing on May 11, 1782, Fox complains : ' The House of Lords has been the most shameful scene you can imagine. The Duke of Richmond, in points where he was clearly right, has been deserted by every Minister more than once.' [1] When a new Contractors' Bill, which had been brought in by the Lower House before North's resignation, came before the Peers, the Lord Chancellor on its second reading not only avowed himself its enemy, but called on those lords who had been against the earlier measure to stand by their former votes, ' and in short, spoke as violently and hostilely as it is possible to imagine.' [2] He declared that the bill would not be of the slightest assistance either to the cause of economy or that of reform. The only way to deal with alleged corruption was

[1] *Memorials and Correspondence of C. J. Fox* (ed. Lord J. Russell, 4 vols., 1853), vol. i, pp. 323–4.

[2] *Ibid.*, p. 317.

to prove its existence in each particular instance and to prosecute the offender. The House was merely wasting its time in discussing a useless measure. Richmond, who held the post of Master-General of the Ordnance in the new Administration, took Thurlow to task, and there ensued a brisk altercation between them. Richmond urged that it was the duty of the Peers to satisfy the expectations of the people in the matter of economy, but if they would not, then the Lower House had its remedy—it could carry out the intention of the present measure by rules and regulations for itself. Thurlow indignantly denied the right of the Commons to make resolutions which had the effect of altering the constitution. To Mansfield the bill was evidence of the unfortunate prevalence of 'general notions' and 'superficial ideas'; it had nothing to do with reality. Camden pronounced the idea of the bill to be simple and obvious. One of his prime motives in accepting office in the Ministry had been his desire to help to do something for the purification of public life. The present bill was only the first instalment of a series designed for that purpose. The defeat of this initial measure would not only imperil all the rest, but would mean the end of the Administration. The motion to commit the bill was carried by 70 (including 3 proxies) to 45 (6 proxies).[1]

During the committee stage a prominent part was played by two new peers—Loughborough and Ashburton. The former, Alexander Wedderburn, an exceedingly able and none too scrupulous Scot, had first made his name as a very acrimonious opponent of Lord North when he first took office; but only a few months later he had changed sides, his reward being the Solicitor-Generalship, so that critics maintained that he had only been vehement in Opposition in order to demonstrate to North how dangerous, and therefore how valuable, a man he was. In 1780 he had been created Lord Chief Justice of the Common Pleas with a barony. A time-server, pliant and dexterous, the new peer was a man of parts and an eloquent speaker. 'No man . . . in public life', wrote Wraxall, 'possessed more versatility of talents, or abilities

[1] *P. H.*, vol. xxii, 1356–77; *L. J.*, vol. xxxvi, p. 452.

better adapted to every situation.' [1] Ashburton is far better known as John Dunning. He had been Solicitor-General in the Grafton Ministry, and since then he had been one of the most persistent of North's critics in the House of Commons, one of the ablest allies of Burke and Fox. His was the famous resolution moved on April 8, 1780, that 'the influence of the Crown has increased, is increasing, and ought to be diminished'.[2]

Loughborough moved an important amendment, which had already been proposed and rejected in the other House, to exclude from the inhibition of the measure persons who sold 'the growth, product, or manufacture of their own estates'. Grafton supported this with great energy, and despite the objection that the amendment would 'answer every purpose' of the declared enemies of the bill, it was adopted. The bill, as amended, was read a third time on May 17 and was sent to the Commons.[3] When this amendment was discussed in that Chamber on the 22nd, Fox declared that its acceptance would completely defeat the great aim of the bill, and the opinion of the majority evidently was that it would be better to have no bill at all than this bill as the Lords had left it.[4] A joint conference between the Houses took place on May 27, as the result of which on the 30th, after a brief debate, the Lords resolved not to insist upon the retention of their amendment.[5]

A second instalment of the Government's reform programme appeared in the shape of a measure for better securing the freedom of parliamentary elections by disabling revenue officers from exercising the franchise. This received its first reading on April 26, its second on May 15, its third on June 3. Mansfield opposed it, first, because by an 'extraordinary stretch of the powers of government . . . unexampled in our history . . . it took away, at one stroke, what every Englishman was entitled to consider as his unalienable

[1] *Memoirs*, p. 370. See Campbell's *Lives of the Lord Chancellors*, vol. vi, pp. 1–366.
[2] See H. Roscoe, *Lives of Eminent British Lawyers* (1830), pp. 287–306.
[3] *P. H.*, vol. xxii, 1377–82; *L. J.*, vol. xxxvi, pp. 498, 503–4.
[4] *P. H.*, vol. xxiii, 74–5.
[5] *L. J.*, vol. xxxvi, pp. 504–5, 511.

birthright', namely, his vote, and therein did a great injury to 'a numerous description of individuals'; secondly, because it tended to a dangerous depression of the royal power. The popular cry for the lessening of the influence of the Crown 'had uniformly been loudest when it was evident that there was least call for it'. Before giving way to this demand the Peers should act with great caution, especially when its authors, so zealous for freeing Parliament from external influence, had been setting up associations in the country for the express purpose of awing and controlling Parliament.

Bishop Hinchcliffe of Peterborough put the view that the bill did not aim at innovation, but simply at restoration—the restoration of Parliament in some degree to its original purity and independence; while Rockingham, dealing with the bill more in the concrete, explained that there were no fewer than seventy boroughs in which the election depended mainly on the votes of revenue officers; there were no fewer than 11,500 persons whom the bill would affect—customs-house staff and tide-waiters. As the law now stood, these voters did not enjoy the *freedom* of the franchise, because they had to vote always for Government—often against their own convictions and against the interests of their friends. The House had taken only a mild interest in the bill, whose third reading was carried by 34 to 18.[1]

While it was pressing on its reform scheme the Rockingham Administration was engaged in negotiations for peace, in prosecuting the war—with considerable success at sea, because on April 8 Rodney gained his great victory over De Grasse at the battle of the Saints [2]—and in arranging the terms of an Irish settlement with Grattan. On May 17 both Houses agreed unanimously to certain resolutions, the basis of subsequent statutes, which, by repealing Poynings' Acts and the Declaratory Act of 1719, gave complete indepen-

[1] *L. J.*, vol. xxxvi, pp. 448, 499, 511, 514; *P. H.*, vol. xxii, 95–101.

[2] The debate on a vote of thanks to Rodney in the House of Lords on May 27 led to much recrimination between members of the present and former Administrations, the latter taking all the credit, as Rodney was their appointment, and the former retorting with truth that the late Ministers had consistently neglected him while they were in office. *L. J.*, vol. xxxvi, p. 505; *P. H.*, xxiii, 59–74.

dence to the Irish Parliament and restored its appellate jurisdiction to the Irish Upper House.

The conduct of the negotiations for peace produced a bitter quarrel between the two wholly antipathetic Secretaries of State, Fox and Shelburne, and as the result of it on June 30 the former announced his intention to resign. Next day Rockingham died. Delighted to be rid of the domination of the orthodox Whigs, George III sent for Shelburne in preference to the Duke of Portland, the very worthy and very dull magnate upon whom the mantle of the late leader had fallen. Burke, Sheridan, Lord John Cavendish and others refused to serve under Shelburne, who, consequently, had in accepting the burden of premiership the difficult and invidious task of piloting through Parliament a peace settlement which, however necessary, was bound, after an unsuccessful war, to be unpopular, in the face of the double opposition of Lord North's followers and the dissentient Whigs.

The peace preliminaries with the Bourbon Powers were signed on January 20, 1783, and on February 17 they were discussed in the House of Lords.[1] After the articles of peace with France, Spain, and America respectively had been read, the Earl of Pembroke moved the customary address of thanks to the Sovereign. Its terms were necessarily chastened. As Grafton said, 'We agreed that no triumphant words could be carried, or ought to be proposed.'[2] The best that could be said of the war now ended, as Pembroke put it, was that 'some disasters which had been feared had been avoided; the best that could be said of the peace was that it was peace'. The seconder, Carmarthen, used similar language. 'Trade would revive, and Great Britain pursuing the plans of wisdom, moderation, and peace, would still be one of the first powers in Europe.'

Carlisle opposed. He agreed that America had been irretrievably lost and that her independence must be

[1] *L. J.*, vol. xxxvii, pp. 598–9.

[2] Fitzmaurice, *Shelburne*, vol. iii, p. 345. Grafton was Lord Privy Seal, but he resigned on Feb. 20. He had not been regular in attendance in Cabinet; he complained that Shelburne did not confide in him, and he seems to have been disgusted because his friend Dr. Hinchcliffe was not offered the vacant see of Salisbury. Walpole, *Last Journals*, vol. ii, p. 587.

acknowledged. But we had gone far beyond that—and unnecessarily. Our position had not been desperate ; we had lost not a single vessel to the enemy ; although the financial burden of war had been great, our people would have been prepared to go on defraying it ; France and Holland had been in serious financial straits. Yet we virtually gave away all our American territory. Florida by this treaty went to Spain ; worse still, we handed over to the Americans all the country between the Alleghanies and the Mississippi, a tract of land almost equal to a third of Europe. The fur trade was abandoned, forts and settlements upon the Great Lakes, twenty-five Indian tribes. 'You had better have ceded all Canada, than have given in to this mockery of keeping the two ports of Montreal and Quebec (for they are no other than mere ports), without the trade of their interior country.' [1] Carlisle therefore moved an amendment to the address which concluded by bewailing the necessity of subscribing to articles, 'which, considering the relative situation of the belligerent powers, we must regard as inadequate to our just expectations, and derogatory to the honour and dignity of Great Britain.'

The debate turned mainly on three points—the cession of territory complained of by Carlisle, the alleged abandonment of the American loyalists, and the question as to how badly we had been defeated in the late war. Opposition speakers took the view that when hostilities had terminated, the military and naval situation had been favourable. Others pointed to the long odds against us in the league of France, Spain, and Holland, the very unfriendly neutrality of nearly every other European Power, the threatening state of things in India, owing to the still undefeated menace of Hyder Ali of Mysore and the Mahrattas. As regards the fate of the American loyalists it was possible to make a case against the Government. Shelburne had been able to do little or nothing for them, and the promise of the American negotiators that persecution should cease proved in the event nugatory. The best answer to criticism was that the only way to succour the

[1] The United States obtained the Mississippi as their western and a line drawn through the centre of the Great Lakes as their northern frontier.

WILLIAM PETTY, SECOND EARL OF SHELBURNE

Caricature by James Sayers

loyalists would have been to go on fighting for them; when it came to the conference table, it was not possible for the mother country, when abandoning her authority over her children, to do anything. But this was not a very convincing argument; it was difficult to believe that a better stand could not have been made. Thus good rhetorical use could be made of Shelburne's failure in this respect. 'Administration', said Townshend,[1] 'had disgraced this country beyond all former example. To desert men who had constantly shown their loyalty, was a circumstance of cruelty as had never before been heard of.'

Grafton, although on bad terms with Shelburne and intending to resign his office, made a strong defence of Shelburne's peace policy. He deplored faction. Instead of examining the articles of peace, those who were opposed to them had been spending their time in intrigue. 'We all know the horrors and miseries of war. For heaven's sake! now that we have obtained peace, let us not, by our idle bickerings, deprive ourselves of its blessings.' Assent to the address did not necessarily mean agreement with each item in the peace; it only meant thanking the King 'for comforming to your wishes, by making a peace'. Keppel, who had resigned the Admiralty because he did not approve of the preliminaries, could not accept this interpretation. Viewing the whole question from a purely naval point of view, he declared that we should have had a better peace—'he could not advise his sovereign to conclude a peace, of which he did not in his conscience approve'.

Following upon a very long and very pompous oration by Stormont, Shelburne rose to make an able detailed answer to criticisms. As to the fur trade—was it realized that its total annual value was no more than £50,000? Was it worth continuing the war for this? As to the loss of the Indians—he could understand noble lords who had made a lavish use of these Indians lamenting their abandonment, but those who abhorred their violence would think the Ministry had done wisely. As to the treatment of the loyalists—he relied on the wisdom and honour of the American representatives; their recommendation was all that in the nature of the case

[1] George, fourth viscount, afterwards first marquis, 1724-1807.

they could procure. But say the worst . . . ' is England so lost to gratitude, and all the feelings of humanity, as not to afford them an asylum ? ' He made a spirited reply to Keppel. Had not the boldest cried for peace ? There scarcely remained a taxable article that had not been taxed to the uttermost. They had a debt of 200 millions. What were the facts as to our boasted fleet ? Did the House know that our naval stores were exhausted, our magazines depleted, the cordage of our ships rotten, and that there had been no prospect of improvement in these conditions ? Loughborough made an all-round attack upon the treaties, but especially upon the treatment of the loyalists. He was very roughly handled afterwards by Thurlow, who still remained Lord Chancellor. The House sat till three or four in the morning, a very extraordinary happening for that Chamber. On a division being taken, the address was carried by the narrow majority of 13, 72 (including 3 proxies) to 59 (including 4 proxies).[1] There had been a remarkable attendance at this debate—the largest since the beginning of the reign. No fewer than 145 peers were present, but not all waited to the end.

Badly as the day went for the Government in the Upper House, in the other it went worse, Ministers being actually defeated—by 16 votes. Four days later a vote of censure upon the terms of peace was carried by 207 to 190. These results were due to the unnatural alliance between North and Fox. Shelburne could not stand against it, and on February 24 he resigned. After making the most zealous efforts to avoid the detested prospect, the King had to bow to the inevitable and accept a Coalition Government, with Fox and North as its effective leaders, but Portland nominally head as First Lord of the Treasury. The new Administration was very weak in the Upper House. Portland was only a silent figurehead ; the brunt would fall upon Stormont, the Lord President, and Carlisle, the Lord Privy Seal, with Loughborough in reserve. Thurlow vacated the woolsack, and the Great Seal was placed in commission.

[1] *P. H.*, vol. xxiii, 373–436 ; *Annual Register*, vol. xxvi, pp. 143–4 ; Fitzmaurice, *Shelburne*, vol. iii, pp. 345–55 ; Walpole, *Last Journals*, vol. ii, pp. 582–4.

A debate on June 3 occasioned by Richmond's raising objection to this step was chiefly notable for a fierce indictment of the Coalition by Abingdon, who with accustomed violence of language spoke of the country's having been already 'murdered, cursed and damned' by the coalition of parties, and denounced this particular coalition as having 'planted a dagger in the bosom of all public virtue', and shown that 'boasted Whiggism is no more than a ladder formed to climb over the backs of other people to power'.[1]

Prior to the final battle, the proceedings in the House of Lords during the life of the Coalition Ministry were of little interest or significance; all else was overshadowed by North's East India Bills both in their intrinsic importance and in their consequences. It was generally recognized that the Regulating Act of 1772 had proved unsatisfactory; it was the conviction of most of the Whigs, especially Burke and Sheridan, who had listened to the poisoned tongue of Philip Francis, that Warren Hastings, the first Governor-General of India appointed under the provisions of that Act, had been guilty of the grossest misconduct. The new Government resolved to reform the constitution of the East India Company and the Company's administration of India. Controversy ranged upon the first of the two bills, the one which altered the constitution of the company—by bringing all its political power under the control of seven commissioners, to be appointed in the first place by Parliament, after the lapse of seven years by the Crown. Burke and the other authors of this measure were undoubtedly sincere in their desire to amend the British Government of India and this bill was in the main a very good bill, but their enemies gave them no credit for disinterested motives. It has to be remembered that the framers of this measure, which was to revolutionize the whole character of the East India Company, were the same men who had assailed North's Act as a wicked interference with the sacred rights of property, because it infringed a commercial charter. How could they be sincere in such flagrant inconsistency? More important, it was urged that in effect the Government was proposing to hand over to

[1] *P. H.*, vol. xxiii, 959–83; *L. J.*, vol. xxxvi, p. 690.

seven nominees of their own all the power, all the wealth, all the immense patronage which the Company possessed in the East, thus creating, as the young Pitt put it, 'a new and enormous influence.' What horrid hypocrites must men be who after having, with pious indignation, destroyed the influence of the Crown, proceeded to erect in its place a more extensive influence of their own! George III, who hated the Coalition in any case, was easily persuaded that the India bill was yet another onslaught upon the royal power. His influence over the House of Commons had certainly been greatly weakened since the fall of North as the result of the Rockingham legislation, and the Government secured the passage of their measure in the House of Commons by the magnificent majority of 208 to 102. But they were well aware that the battle was far from won. Powerful commercial interests were violently opposed to the measure. Inadequately represented in the Commons, they could still fight. It was recognized that the critical debates would take place in the other House. Fox had been anxious for a large majority in the Commons, principally because 'every vote will tell on account of the House of Lords afterwards'.[1]

On December 9 Fox himself, attended by a large number of members of the other House, brought up the bill to the Peers' Chamber. It was read once and then immediately an onslaught was delivered upon it by the second Earl Temple, quite the equal of the first in pride, arrogance, and self-sufficiency, who was to play a most conspicuous part in bringing about the defeat of the bill.[2] Thurlow took up the parable in the same vein. The question was 'perhaps the most important that had ever been agitated in Parliament'. The bill was 'an atrocious violation of public property, which cut every Englishman to the bone. It was an attack upon the Monarchy. If it passed, the Crown 'will be no longer worthy of a man of honour to wear. The King will,

[1] *Memorials of Fox*, vol. ii, p. 215.

[2] *Memoirs of the Court and Cabinets of George III*, vol. i, pp. 287–9. Temple was nephew to the first earl. He had succeeded to the peerage on Dec. 2, 1779. He was created Marquis of Buckingham on Dec. 4, 1784. He died in 1813. See Doyle's *Complete Baronage*, vol. i, pp. 202–3; vol. iii, pp. 519–20.

in fact, take the diadem from his own head, and place it on the head of Mr. Fox.' He denounced the defamation of the East India Company and 'the little, low, dirty attempts of malice and faction' against Hastings.

Loughborough answered for the Government. The Company's charter had been violated before now—by the Act of 1773. Further regulation had proved to be necessary, and 'it was impossible to regulate the Company's affairs without an infringement of their charter'. He, Townshend, and Carlisle all urged that the bill was necessary if only to save the Company from impending financial ruin. Before the adjournment of the House this day, a petition of the East India Company against the bill was read.[1]

The bill was to be read a second time on the 15th, but ere that a decisive event occurred. Thurlow and Temple had been encouraging the King's misgivings with great success; on the night of the 11th George sent for Temple, and the most suitable method of destroying the obnoxious measure was discussed. It was considered that to exercise the royal veto would be inadvisable; it was decided rather to use the royal influence in the House of Lords and to induce it to throw out the bill. Temple was provided with a card written in the following terms: 'His Majesty allowed Earl Temple to say that whoever voted for the India Bill was not only not his friend, but would be considered by him as an enemy; and if these words were not strong enough, Earl Temple might use whatever words he might deem stronger and more to the purpose.'[2] In other words, the King bluntly informed the Peers

[1] *L. J.*, vol. xxxvi, pp. 17–18; *P. H.*, vol. xxiv, 122–35.

[2] *Memoirs of the Court and Cabinets of George III*, vol. i, pp. 287–9. See also interesting letters in *Hist. MSS. Comm.*, 10th Report, appendix, pt. vi, *Abergavenny MSS.*, pp. 61–2; Earl Stanhope, *Life of William Pitt* (3 vols, 1879), vol. i, pp. 115–19. The episode is immortalized in *The Rolliad*:

> On the great day when Buckingham by pains
> Ascended, Heav'n impelled, the K—'s back-stairs,
> And, panting, breathless, strained his heart to show
> From Fox's bill what mighty ills would flow,
> Still, as with stammering tongue he told his tale,
> Unusual terrors Brunswick's heart assail:
> Wide starts his white wig from his royal ear,
> And each particular hair stands stiff with fear.

that if they wished to stand well at Court, if they wished to have any chance at all of obtaining something from the large preferment which it yet remained with the King to bestow, they must not vote for the India Bill. The patronage in the hands of the Administration was no doubt considerable, but the King would live longer than the Fox-North Coalition. Never did George III intervene more openly in politics than on this occasion, and never with greater success. Temple's missive spelt the ruin of the hated bill.

On the 15th, after a petition against the measure by the City of London had been read, counsel heard and evidence taken, Portland rose to draw attention to extraordinary rumours which were being sedulously bruited about, in one of which ' the name of the most sacred character in the Kingdom had been aspersed, and the name of one of their lordships, he hoped, abused '.

That the rumour was only too well-founded was immediately made plain by Temple himself, who admitted that His Majesty had lately honoured him with a conference. That was a matter of notoriety. It was the privilege of peers as hereditary counsellors of the Crown, either collectively or individually, to give advice to the Crown. He had given his ; what it was he would not say ; ' it was lodged in the breast of his Majesty, nor would he declare the purport of it without the royal consent, or till he saw a proper occasion.' But he was confident that he had acted a dutiful part towards his Sovereign and one worthy their lordships' approbation.

Lord Fitzwilliam [1] made the proper retort to Temple's self-satisfaction. He went to the roots of the matter. The irresponsible tendering of advice by individual peers could not be tolerated. The constitutional rule was that the King could do no wrong, that his every act was to be ascribed to his confidential advisers. ' Therefore no person was to go into the King's closet and give his advice, who was not responsible in the country for the consequences of that advice.' [2]

Already on the 15th the friends of the bill had lost their original confidence. One of them writes on this date : ' The

[1] This is the famous second earl, Lord-Lieutenant of Ireland in 1795.
[2] *P. H.*, vol. xxiv, 135–60.

Bishops waver, and the *Thanes fly from us*, in my opinion, the Bill will not pass.' [1] Next day the bill was further considered and counsel were again heard against it.[2] The debate was once more adjourned, and continued on the 17th.[3]

Carlisle and Sandwich were the chief speakers for the Government. Their argument was that the East India Company could not be regarded as a purely private concern. It had great public responsibilities, and these it had not properly carried out. They enlarged upon the alleged misdeeds of Warren Hastings—the Rohilla War and the treatment of the Raja of Benares in particular. Richmond and Camden were the protagonists on the other side. The Duke harped upon the sanctity of charters. If they were to be considered only as bits of wax, whose property was safe ? ' The property of every man is the property of the state, and the good faith and preservation of the faith is the property and interest of every man.' But his greatest objection to the bill was, he explained, that it gave a branch of the legislature a part of the executive power. ' This Bill placed the Government of India in the hands of the Commons, and their lordships need only to recur to Holland to remark how improper a democratic assembly was to manage the execution of public affairs.' Camden addressed himself to the popular argument that the government of a great and distant territory by a set of merchants was an absurdity. Would such government become less absurd when rested in another set of private individuals, the seven commissioners ? He had favoured the measures which had reduced the patronage of the Crown ; ' but he never would be for issuing against the wearer of that crown a commission of infancy, and of forming, after the models of Hindustan, a British pageant of royalty and insignificance.' [4]

One has a sense of unreality in reading the record of the debate of this day. Every one in the House must have known that speeches would not affect the issue ; that the defeat of the measure had already been virtually assured. In the division on the motion that the bill be committed there voted 57 contents, 75 non-contents. There were in addition

[1] *Memorials of Fox*, vol. i, p. 220.
[2] *L. J.*, vol. xxxvii, p. 26.
[3] *Ibid.*, p. 27.
[4] *P. H.*, vol. xxiv, 160–96.

19 proxies for the Government; 20 against. There was consequently a majority of 19 against committing the bill, which was thereupon formally rejected. 'We are beat in the House of Lords', wrote Fox, 'by such treachery on the part of the King, and such meanness on the part of his *friends* in the House of Lords, as one could not expect either from him or them.' [1]

On this same day an important resolution was moved by one of Fox's supporters in the House of Commons:

'That it is now necessary to declare, that, to report any opinion, or pretended opinion, of His Majesty, upon any Bill, or other proceeding, depending on either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanour, derogatory to the honour of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of the country.'

Pitt pooh-poohed the gross absurdities of the monster Rumour, and Earl Nugent declared that the House of Commons was not entitled to question the right possessed by the individual peer, in virtue of his rank and station in society, of giving advice to the Crown. Fox naturally took a very serious view of what had occurred. 'I never trembled so much for liberty as I do now', he declared. 'Those in high office and of high rank should discover as much dignity and strength of understanding as may be expected from a superior education, the distinctions of fortune, and the example of the great and the wise.' Yet at the hint of the King's wishes there had been noble lords who had instantly preferred them to their own understandings.

'On the same day, and within a few hours, matters appear to them in quite a different light; and the opinion which they embrace in the morning, is renounced at noon. . . . [This] impudent avowal of political profligacy . . . . is not only a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and basest of the species; it insults the noble, the ancient, and the characteristic independence of the English peerage, and is calcu-

[1] *Memorials of Fox*, vol. ii, p. 221.

lated to traduce and vilify the British legislature in the eyes of all Europe and to the latest posterity.'[1]

The House of Lords has often been violently denounced, but never more bitterly and cuttingly than in these words of Fox. He well knew that the adverse vote of that House, the blow struck by the King against his own Ministers through the intermediacy of that House, meant their downfall. On the night of December 18 the Coalition Government ceased to exist. The accession to power of William Pitt marks a clearly defined era in the history of the House of Lords. The Chamber which rejected the India Bill was in essentials the same as that which had greeted Queen Anne's accession, inasmuch as it was the assembly of a small and exclusive aristocracy. William Pitt completely altered its composition and therefore its character—for he brought into being what Disraeli described as a ' plebeian aristocracy '.

[1] For the debate in the Commons see *P. H.*, vol. xxiv, 196–226.

CHAPTER XV

THE RECRUITMENT OF THE HOUSE

IT is natural to think of the composition of the Upper House as being very stable in comparison with that of the Commons. The extent of the contrast can easily be exaggerated—certainly in the eighteenth century, when the same families sent members, generation after generation, to represent the same constituencies in the Lower House, so that there was a hereditary element in both Chambers.[1] But even in a hereditary assembly the personnel does not long continue the same. Families may remain, but the generations pass by the law of mortality, and even the direct descent in families is seldom for long unbroken. Few peerages have a long life. Of the forty-five peerages created by Queen Anne thirteen had already become extinct before the close of our period; of those created by George I also thirteen. The extinction of hereditary titles is, then, a remarkably regular phenomenon; had the House of Lords been purely hereditary, it would still have been subject to constant changes. But there were also its elective members—the sixteen representative Scottish peers, whose personnel was subject to alteration at every general election, and between the passing of the Act of Union and the end of 1783 there were fifteen general elections.[2] Finally there was the episcopal bench, whose membership was continually changing.

As we have already seen, the new creations made during the period did little more than balance the extinctions.[3] In her reign of twelve years and five months Anne conferred forty-five new titles.[4] Fifteen of these were in promotion of existing members of the House; there were thirty new members. In his reign of thirteen years George I introduced twenty-eight new peers, while making as many as thirty-three pro-

[1] Cf. Stanhope's *History of England, 1713–83*, vol. i, p. 45.

[2] 1707, 1708, 1710, 1713, 1715, 1722, 1727, 1734, 1741, 1747, 1753, 1761, 1768, 1774, 1781.

[3] See *supra*, pp. 4–5.

[4] For these and all the following figures see Appendix A.

motions. In thirty-two years George II conferred sixty-five titles, thirty-nine of them being on new men. In the twenty-three years of his reign discussed in this volume George III made forty-seven new peers and fifteen promotions. This means that under Anne, George I, and George III there was an average of two new peers added to the House per year, the rate being very much less under George II. George I was extremely lavish in promotions, George III very sparing. The titles conferred by George II are spread with considerable regularity over his reign, the largest number given in one year—1756—being seven. Anne bestowed ten new titles in December 1706, but only two of these were on new men. In December 1711–January 1712 there took place the famous elevation of twelve persons to the peerage at one time. This was denounced because it was done for an obvious party purpose ; but the rewards extended to the faithful Whigs on the accession of the first Hanoverian to the throne are hardly less striking. Within the first twelve-month of his reign George I had bestowed twenty new titles and added eight new peers to the House. Ten more titles followed in 1716, eight of these again being bestowed upon commoners. The creations made by George III during his first thirty years are not at all evenly distributed, the bulk of them coming at four dates. Between March 1761 and May 1762 he conferred fifteen titles, involving a recruitment of the Chamber by thirteen new members. In May 1776 ten new peers were made and there were three promotions ; in 1780 there were six new peers and one promotion ; in 1782 six new peers and two promotions.

The figures given above do not exhaust the additions to the peerage during this period. They do not include titles given to members of the blood royal. Three royal dukedoms belong to the reign of George I, one to that of George II, and two to the years of George III's reign covered by this volume. There were, also, a few peerages conferred upon women. Some of these in no way affected the House of Lords. Such was the title of Duchess of Kendal bestowed in 1719 upon Melusina von der Schulenburg, who died in 1743. The dignity of Countess of Walsingham, conferred in 1722 on a niece of the

Duchess of Kendal, was for life only.[1] So also when Amelia Sophia de Walmoden was made Countess of Yarmouth in 1739, it was only for life.[2] In other cases, however, the patent permitted the title to descend to heirs male. In one case—that of Margaret, the eldest daughter of Thomas, Earl of Coningsby, who was created Viscountess in 1716—the title died with her in 1761, her only son having pre-deceased her.[3] So also the barony of Greenwich conferred upon Caroline Campbell, daughter of John, Duke of Argyll, in 1766, became extinct in 1794, as its descent was limited to her heirs by her second husband, Charles Townshend, and neither of her two sons by him survived her.[4] The barony of Chatham given to Hester Pitt in December 1761 became merged in her husband's subsequent earldom ; that of Holland of Holland, given to Lady Caroline, wife of Henry Fox, in 1762, was merged in the barony of Holland of Foxley gained by her husband in the following year, when their son succeeded to two titles on the death of both his parents in the same month, July 1774.[5] On the other hand, the peerages enjoyed by Grace, Countess Granville, Hester, Countess Temple, and Mary, Baroness Stawell, were passed on to their male descendants.[6] However, it will be seen that the addition to the numbers in the House of Lords through this channel—titles bestowed upon women—is practically negligible. Another source of recruitment to the peerage is also inconsiderable. Very occasionally—as for instance in the case of the claim of John Syms Berkeley in 1764 to the ancient barony of Botetourt—there is an accession due to the revival of an honour which has been in abeyance.[7] Finally, whenever a peeress in her own right, such, for example, as Margaret, Baroness Clifford (who died in 1775), is succeeded by a male,[8] there is automatically an addition to the personnel of the Upper House. But while the various minor sources of increase have

[1] *The British Compendium*, vol. i, part i, p. 544.
[2] See Appendix A, p. 513.
[3] The *British Compendium*, vol. i, part i, p. 543. See also Appendix A.
[4] Kearsley's *Complete Peerage* (1790), p. 166.
[5] *Ibid.*, p. 162.
[6] See *L. J.*, vol. xxvi, p. 407 ; vol. xxviii, p. 40 ; vol. xxxvi, p. 147.
[7] Kearsley's *Complete Peerage*, p. 137. [8] *Ibid.*, p. 147.

to be mentioned, they are of little consequence, and the numbers in the Chamber are maintained, almost entirely, by new creations.

What was the character of the new men? There were among them, it goes without saying, persons of first-rate distinction. There were statesmen like Harley and St. John, Stanhope, Walpole, Pulteney, Pitt, Shelburne; there were men on a lower plane, who yet played a notable part in the political life of their day, such for example as Sir Richard Onslow, the famous Speaker of the House of Commons, who was made a baron in 1716; William Stanhope, the diplomatist and statesman, who became Earl of Harrington; Samuel Sandys, Walpole's pertinacious opponent in the Commons; John Hervey, the author of the *Memoirs*; Horatio Walpole, the diplomatist; Wills Hill, best known as Earl of Hillsborough, though he afterwards became Marquis of Downshire in the Irish peerage; George Lyttelton; Henry Fox. There were the lawyers—Cowper, Harcourt, Macclesfield, Nicholas Lechmere (in turn Solicitor-General and Attorney-General before he was raised to the peerage in 1721), King, Hardwicke, Talbot, Raymond (Lord Chief Justice of the King's Bench in 1725), Mansfield, Northington, Camden, Bathurst, Thurlow, Loughborough, Ashburton, and Grantley, who, better known as Fletcher Norton, was successively Solicitor-General and Speaker of the House of Commons before he was raised to the peerage in 1782. There were notable soldiers in the great Duke of Argyll; Cadogan, Marlborough's Quarter-Master General in the great wars in Flanders, who was created a baron in 1716; the first Lord Cobham; Ligonier; Amherst; and, perhaps, in spite of Minden, we may add under this category, Sackville. There were famous admirals in Torrington, Anson, Hawke, Keppel, Howe, and Rodney.

A large number of peers were already of noble blood before their elevation to the Upper House. The device of calling up the eldest sons of peers by writ into their fathers' baronies was frequently practised in the eighteenth century. Anne called up four; George I five; George II four; George III before the end of 1783 just one. But apart from this practice, peerages were often conferred upon the sons of existing peers.

Anne made the eldest son of the Earl of Suffolk Earl of Bindon, and the eldest son of Lord Paget Baron Burton. Sometimes also new peerages were given to younger sons. Thus the second son of the Earl of Newport became Baron Torrington in 1716; the second son of Lord Monson Baron Sondes in 1760; the second son of the Earl of Cardigan Baron Brudenell in 1780. It was still commoner to confer English peerages on Irish peers. There are two instances of this under Anne, five under George I, four under George II, seven (including Howe and Ligonier) between 1760 and 1783. As it has been already noticed in another chapter, there are half a dozen cases of the grant of a peerage to the son of a Scottish peer.[1]

Fifteen of the new peers in our period were promoted from the baronetcy—rather a smaller number than might have been expected. These as a rule—and indeed the new peers generally—belong to the old county families, as a glance at a list of eighteenth-century peers at once shows. Accounts of new barons given in contemporary peerages begin over and over again with the same formula: 'This ancient family, associated with the county of —— for generations.' The names of ennobled families tell their own story, Fitzwalter, Fitzwilliam, Gower, Waldegrave, Sherard, Talbot, de Grey, Vernon, Maynard, Mansel, Trevor, Willoughby, Harcourt, Monson, Coke, Greville, Lyttelton, Windham, Edgcumbe, Fortescue, Boscawen, St. John, Wentworth, Bathurst, Paget, Hobart, are a sample of them.

The peer of obscure social origin is *rara avis*. There was much criticism of the elevation to the peerage of Robert Benson, the son of an attorney, who became Lord Bingley in July 1713. This man 'of no extraction' had been left an estate near Wakefield and a substantial income by his father, and he sat in the House of Commons for the city of York session after session; he became acquainted with Lord Dartmouth and married a daughter of Lord Guernsey.[2] This was the making of his fortunes; his peerage was the reward for the conversion to Toryism of a man of some substance and of local influence. Lord Berkeley of Stratton, belonging to

[1] See *supra*, p. 152.

[2] *Wentworth Papers*, p. 133.

a family ancient and illustrious, writes in grave perturbation with reference to this creation : ' Every week that house (the Lords) receives some great blow that I am perswaded (setting aside my being a member of it), it is the interest of the publick to have its dignity kept up.' [1] Peter Wentworth describes with evident relish the difficulty which Lord Bingley found in getting a coat of arms manufactured for him at the Herald's Office.[2] At the opening of the reign of George III there appears another *parvenu*, the egregious Bubb, the apothecary's son, who worms his way into favour by the court that he pays to Frederick, Prince of Wales and the Princess Augusta, but whose principal claim was his borough interest in Dorset. Borough influence—as we shall see—was to prove a most useful key for entry into the House of Lords, but this development really belongs to the period after 1783, to the period of Pitt's lavish creations.

It is no doubt true of the eighteenth century, as it is of course true of all centuries, that among those elevated to the peerage were men who had little personal merit and were of but mediocre accomplishments. It is unlikely that Mr. Samuel Masham would have attained to the House of Lords, had he not married Abigail Hill ; there was little to recommend Sir Spencer Compton save that he was a son of the Earl of Northampton and that he had enjoyed the favour of George II while Prince of Wales. The story is that the first Lord Mount-Edgcumbe, who possessed great borough influence in Cornwall, as his descendants did after him, and who for that reason was invaluable to Walpole, was given a peerage simply to prevent the inconvenience of an examination in the House of Commons into his methods of borough management.[3] One of the most curious patents of nobility made out during the century was that to Walpole's eldest son, who was in 1723 created Lord Walpole of Walpole simply because his father preferred to remain in the House of Commons. The preamble to that patent states that Sir Robert ' being better satisfied with deserving titles, than possessing of them, we have been pleased to confer on the

[1] *Ibid.*, p. 349.
[2] *Ibid.*, p. 348.
[3] See H. Walpole's *Letters*, vol. i, p. 213 *n.*

son the honour due to the father. . . . A young Gentleman, whose natural parts are very promising, who after having improved in all the learning a good education can afford, and is now in his travels, acquiring the knowledge of whatever deserves to be observed, and has moreover a pattern at home, from whom he may learn whatever may still be wanting.' A title is, therefore, to be conferred upon ' this hopeful young gentleman '.[1]

Striking as are the frequent changes among the peerage, the changes among the spiritual lords are still more remarkable. It is necessary to remember that the twenty-six bishops composed a by no means inconsiderable portion of the House prior to the wholesale creations of peers by the younger Pitt, and that appointments to sees were as important, politically, as elevations to peerages. Episcopal vacancies afforded a Government with most useful opportunity for increasing its strength in the Upper House. Queen Anne's efforts to influence the bishops through her favourite, Dr. Sharp, have been noticed.[2] The Queen, ever active in the service of her beloved Church of England, took a keen personal interest in all episcopal appointments, which she wished to keep to herself absolutely. Her independence in this matter brought her into sharp conflict with her Ministers on more than one occasion—notably in 1707 when she successfully insisted upon the appointment of two Tories, Dawes and Blackall, to the sees of Chester and Exeter.[3] She did not always get her own way, however,[4] and Swift attributes the Whigs' success during the years of their ascendancy in no small measure to the appointment of low churchmen to the episcopal bench.[5] There were as many as twenty-three episcopal appointments during the reign of Anne.[6]

Normally a bishop could be reckoned to be of the same

[1] *The British Compendium*, vol. i, part ii, pp. 230–1.

[2] See *supra*, pp. 34–5.

[3] Coxe, *Memoirs of the Duke of Marlborough* (3 vols., Bohn ed., 1909), vol. ii, pp. 90, 155, 158. Cf. the great difficulty found by Harcourt in inducing the Queen to agree to the appointment of Atterbury to the see of Rochester. Burnet, vol. ii, p. 630, note by Dartmouth.

[4] e.g. Coxe, vol. ii, p. 186.

[5] ' A Letter to a Whig Lord ' in *Works*, vol. v, p. 244.

[6] See J. le Neve, *Fasti Ecclesiae Anglicanae* (3 vols., Oxford, 1854).

political opinions as the Minister who had chosen him, and there was always the hope of promotion to a more important and more lucrative see as the reward of lasting fidelity. The practice of transferring prelates from one see to another was very common in the eighteenth century. Hoadly was unique in presiding over as many as four different dioceses during his career, but to have held three different bishoprics during a lifetime was by no means uncommon. In the period treated in this volume, 1702–83, there were as many as 224 appointments to bishoprics, 89 of these being transfers from one see to another.[1] A scheme was once set on foot—in 1730—to bring in a bill to prevent translations, but the Government of the day defeated it.[2] It is not necessarily to speak ill of eighteenth-century bishops to say that the system of frequent promotion among them was an incentive to political loyalty. When a bishop, appointed by Newcastle, voted for Newcastle in the House of Lords, he was as a rule perfectly sincere in doing so; his action did not necessarily denote subserviency. The latitudinarian in religion, whom the Pelhams normally chose for a vacant see, was as a rule a Whig in politics. Notwithstanding, great were the gibes at 'Newcastle's bishops', brought against them by the Opposition, because the episcopal bench so often formed a most convenient compact phalanx behind the Minister, upon whose votes he could implicitly rely.[3] The charge of sycophancy was one which in such circumstances a factious Opposition was sure to make.

Nevertheless, there were occasions when the bishops showed fight. The alliance between the Court and the episcopal bench was never closer than in the days of Edmund Gibson, who was popularly known as 'Walpole's Pope'; yet even under this dispensation when the bishops conceived their own interests threatened they asserted themselves. On his translation from the see of Lincoln to that of London in April 1723 Gibson had at once become much more power-

[1] See *ibid.* for lists of ecclesiastical dignitaries.

[2] *C. J.*, vol. xx, p. 660.

[3] See an article by Miss M. Bateson, *E. H. R.*, vol. vii, pp. 685–96, 'Clerical Preferment under the Duke of Newcastle'.

ful than Wake, who ever since being made Archbishop of Canterbury had lost influence, partly through ill health, partly through lack of sympathy with the Government. The Atterbury Plot had but recently drawn attention to the danger of a disaffected Tory clergy. Gibson sought to carry out a policy of effectively reconciling the Church to the Hanoverian dynasty. Some of his schemes—notably that of strengthening the Whig interest at the universities—were failures. On the other hand, he proved expert at fostering attachment to the Government by a judicious distribution of ecclesiastical patronage. Gibson's control over preferment was not indeed absolute. He met with opposition from two Lord Chancellors, King and Talbot, and also from Queen Caroline—no friend of his—who was sometimes able to insist upon promotion for her friends among the clergy.[1] But as a rule Gibson nominated the new bishops, and as a result Walpole was able to count upon the practically unanimous support of the episcopal bench in the House of Lords.

The alliance was of unequivocal benefit to the Government, but it was by no means an unmixed blessing for the Church. If the Whig element in it was strengthened, on the other hand the still powerful Tory contingent among the lower clergy were yet further estranged, and, as Gibson himself put it, ' Has not a dislike of the Bench among the Lay Lords and Commons been growing by degrees, as the Bishops have been gradually growing up to an unanimity in the interest of the Court ? ' [2] Hostility towards the bishops was revealed in the Quakers' Tithe Bill. Regarding this measure as an attack upon the Church under a mere veneer of solicitude for the Quakers, the majority of the bishops, led by Gibson, organized a strenuous resistance to it in their dioceses, and strongly opposed it when it came up to the House of Lords. All the fifteen bishops who were present in the Chamber voted against the motion for committing the bill.[3] Their opposition, aided by the invaluable support

[1] Gibson was able to prevent the elevation to the episcopate of Dr. Samuel Clarke, the metaphysician, on account of his unsound theology, in spite of the Queen's wishes. See Sykes, *Edmund Gibson*, pp. 134–5.

[2] *Ibid.*, appendix, p. 409, ' Queries concerning the Bishops and the Clergy ', addressed to Walpole.

[3] See *P. H.*, vol. ix, 1219.

of Hardwicke, led to the loss of the bill. Walpole apparently had not troubled to consult Gibson before he adopted the measure, and he seems to have assumed that the bishops could be relied upon to support the Court on this issue as on all others. The fact that it did not even occur to him that they might not prove amenable regarding a bill which threatened the interests of the clergy shows how much a matter of course episcopal support of the Government in the House of Lords had become. At Court where the Bishop had many enemies—Hervey being the most virulent—Gibson's conduct in organizing the episcopal opposition was with absurd hyperbole described as ' sedition '. The hostility of the Court together with Walpole's chagrin at being thwarted by his chief clerical adviser meant the extinction of Gibson's political influence.[1]

Whenever ecclesiastical matters came before the House the bishops usually showed independence. The Quakers' Tithe Bill did not stand alone. There was similar episcopal opposition to the Mortmain or Charitable Uses Bill of the same year, because it was likely to affect Church property prejudicially. Archbishop Wake, despite his reputation for broad-mindedness, opposed both Stanhope's Nonconformists' relief Act of 1718 and the Quakers' Bill. The bishops were roundly abused—perhaps righteously abused—for their attitude on these occasions, just as they were denounced by Chatham for their opposition to the bill for the relief of Dissenters in 1772.[2] It was indeed easy to revile the episcopal bench. When they resisted a policy because they felt that it went against their principles, then their principles were pure selfishness ; when they supported a policy in which their interests were not directly involved, then they were too selfish, too self-seeking to have any principles.

[1] The relations between Walpole and Gibson are fully explained in Dr. Sykes's biography of Gibson—which unfortunately only appeared when the present work was already in print—in two very illuminating chapters, ' The Reconciliation of Church and State ' and ' The Failure of the Whig Alliance '.

[2] See *supra*, p. 354. It should be noted to their honour that the bishops favoured indulgence to Romanists in 1780 and refused to associate themselves with the ignorant clamour against Popery.

The episcopal bench in the eighteenth century comprised not a few remarkable men, of exceptional piety, high-mindedness, learning, and breadth of view. Tenison, Burnet, Wake, Secker, Joseph Butler, Hinchcliffe were men who would in any age have well supported the dignity of their order. But there were others who certainly had a very keen eye to their own material advantage. Hoadly undoubtedly had; Terrick, Bishop first of Peterborough, then of London, having secured his first bishopric through the influence of the Duke of Devonshire, attached himself to the rising star of Bute and secured promotion to St. Paul's. Horace Walpole declared that he had no merits but 'a sonorous delivery' and 'an assiduity of back-stairs address', and that 'ambition, creeping upwards by little intrigues, formed his whole character'.[1] It was an age of pluralism, and the trafficking in deaneries, canonries, and prebends was notorious. Bishops in the less remunerative sees, like Bristol and Gloucester, were often anxious to add to their financial resources by obtaining supplementary benefices. Certainly the opportunity for political bribery existed, and certainly there were one or two supple-minded bishops willing to be bribed. As Lord Effingham once put it, 'In some minds, translations to higher dignities and greater emoluments might be not entirely overlooked.'[2]

Whatever their motives, the bishops during the ascendancy of Lord North were usually as staunch in their support of Government as their predecessors had been in the days of Newcastle. There are indeed exceptions. Hinchcliffe, Bishop of Peterborough, Grafton's protégé, was one of the most energetic and outspoken critics of North's American policy. Jonathan Shipley, having the self-same year, 1769, been created Bishop of Llandaff and promoted to St. Asaph, in 1770 joined the Opposition, became a friend of Burke and Franklin, and like Hinchcliffe, an outstanding champion of

[1] *Memoirs of George III*, vol. i, p. 416; vol. ii, p. 233. Horace Walpole really knew something of Terrick, who was for a time minister of his parish of Twickenham; but Walpole is always ready to take a cynical view of the episcopate. There is testimony to Terrick's worth. See *D. N. B.*, vol. iii, pp. 93–4.

[2] *P. H.*, vol. xxi, 229.

the Americans.[1] John Watson, who was created Bishop of Llandaff during Shelburne's Administration, would have been advanced long before had he not offended the Court by the liberalism of his politics.[2] Robert Hay Drummond, a son of the seventh Earl of Kinnoull, who was in succession Bishop of St. Asaph and of Salisbury and Archbishop of York, and who had in the days of Newcastle's ascendancy been an influential speaker in the House of Lords, became so disgusted at George III's treatment of the Chamber that he ceased to attend it.[3] But commoner were bishops of the type of Brownlow North, half-brother to Lord North, successively Bishop of Lichfield, Worcester, and Winchester, who owed his elevation to the episcopate at the early age of thirty simply to the fact that he had Lord North as his brother ;[4] Richard Hurd, appointed to Lichfield on the recommendation of Mansfield, and standing high in the King's favour because of his courtly and dignified manners ;[5] Shute Barrington, who, starting as chaplain to George III, became in succession Bishop of Llandaff, Salisbury, and Durham ; John Butler, who having strongly supported North's American policy in a series of pamphlets issued under the title of *Vindex*, was rewarded by the see of Oxford ;[6] Newton, Bishop of Bristol, who sincerely held the view that the repeal of the Stamp Act was 'the sacrifice of the honour and authority of Great Britain' and the cause of 'all the subsequent troubles in America'.[7]

Bishop Watson, writing with reference to the period of Lord North's Administration, declared that the acquisition

[1] *Works* (2 vols., 1792), vol. ii, p. 61 ; *D. N. B.*, vol. ii, p. 11.

[2] *Anecdotes of the Life of Watson*, by himself (2 vols., 1818), vol. i, pp. 95–154.

[3] *D. N. B.*, vol. xvi, p. 39.

[4] *Ibid.*, vol. xli, pp. 147–8.

[5] *Ibid.*, vol. xxviii, pp. 147–8.

[6] *Ibid.*, vol. iii, pp. 289–91 ; J. Nichols, *Literary Anecdotes of the Eighteenth Century* (9 vols., 1812–15), vol. vi, pp. 442–52.

[7] Newton's *Works*, vol. i, p. 115. Newton, it is worth recording, tells us (p. 137) : 'The Bishop himself never attempted to speak in Parliament, for he as well as most other Bishops entered into the House of Lords at a time of life too late to begin such exercises. Some previous practice is requisite, which renders Lawyers so much readier and abler speakers than the generality of Divines. While the convocation was allowed to sit, it was a kind of schooling of oratory for the Clergy, and hence Atterbury and others became such able speakers in the House of Lords.'

of a bishopric was ' no proof of personal merit, inasmuch as bishoprics are often given to the flattering dependents, or to the unlearned younger branches of noble families, as to men of the greatest erudition ; and I considered the possession of it as a frequent occasion of personal demerit ; for I saw the generality of the Bishops bartering their independence, and the dignity of their order, for the chance of a translation, and polluting Gospel-humility by the pride of prelacy '.[1] When Lord Rockingham came into office in 1782, Watson urged upon him the desirability of including in his general programme of reform that of the episcopal bench. He argued ' that the rendering the Bishops *independent* in the House of Lords by taking away translations, would . . . be a measure exceedingly useful in a political light ', and that this could best be done by supplementing the emoluments of the poorer sees from the revenues of the wealthier, so as to bring them as far as possible to an equality.[2] Nothing was accomplished in this direction until the Ecclesiastical Commissioners Acts of 1836 and 1840.

[1] *Anecdotes of the Life of Watson*, vol. i, p. 116.
[2] *Ibid.*, pp. 145–6.

CHAPTER XVI

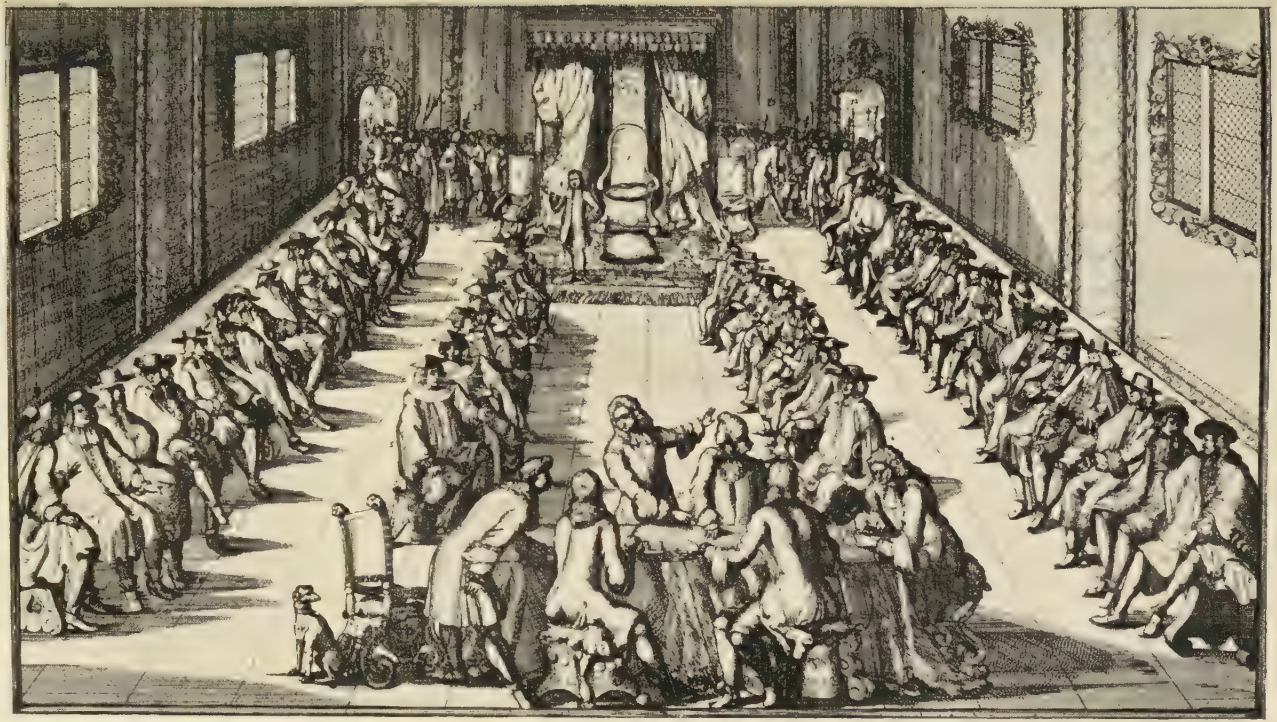
SOCIAL INFLUENCE OF THE PEERAGE

EPOCH-MAKING economic and social changes were at work in Great Britain in the later decades of the eighteenth century. The enclosure movement in agriculture, the discovery of new methods both for arable and stock farming, the great mechanical inventions which radically altered the textile manufactures, the application of steam to industry—these and other contributary factors combined to create a new order, so that the early nineteenth century was profoundly different from the early eighteenth. Indeed the lapse of a hundred years had never before produced so marked a change both in the outward appearance and in the essential character of the country. But prior to 1783 the new developments had not become so marked that their significance was apparent to the ordinary observer. The economic and social structures were still in most respects as they had been at the opening of the epoch, and the extraordinary increase of population, which seemed so alarming in another twenty years, had only recently begun. We have to remind ourselves that the nation which won such unprecedented triumphs on the sea, in Canada and India during the Seven Years War numbered less than eight million souls. The nation was small, compact, self-contained. It has been said : ' The eighteenth century mind was a unity, an order ; it was finished, and it was simple. All literature and art that really belong to the eighteenth century are the language of a little society of men and women who moved within one set of ideas ; who understood each other, who were not tormented by any anxious or bewildering problems ; who lived in comfort and above all things, in composure.' [1] Another age of distress, of conflict, of violence and of revolution was

[1] J. L. and B. Hammond, *The Village Labourer* (1920 ed.), p. 301. There is a large element of truth in this generalization, though it leaves out of consideration the wide popular appeal of such writers as Defoe, Swift, Burns, and Rousseau.

at hand, and the complacency of the eighteenth century was to be rudely shaken. The British mind had been wont to regard the word Revolution with equanimity; indeed even the most placid conservatives were proud of it. For the country rejoiced in its own Glorious Revolution, which it had conducted in the most impeccable manner, with the acme of orderliness and good-breeding, thereby giving the world a shining example of how revolutions ought to be managed. The result of that movement had been the perfecting of the most wonderful of all human contrivances, the British constitution. Dithyrambs upon its supreme excellence are a commonplace of the political dissertations and speeches of the century. No student of the period can fail to be struck by the-cut-and dried character of current political maxims, by the way in which Whigs and Tories unite in acceptance of certain broad constitutional generalizations, and regard them as axiomatic, unchallengeable. Among these is the theory of the Balance of Powers—of the beautiful equilibrium maintained in the British constitution between King, Lords, and Commons. In the seventeenth century the Stuart Kings had sought to upset the balance. It had been readjusted in 1688–9 by the efforts of the Lords, the Crown's hereditary counsellors. It was easy to argue that the Peers performed the most important part in maintenance of the balance. It was their intermediary position which kept the equipoise, and was preventive of absolutism on the one side and democracy on the other. Their influence is, therefore, the symbol—indeed it is the very essence—of the maintenance of the golden mean, which is the greatest glory of the constitution.

Those who thought of the British constitution as a nicely adjusted mechanism kept in exact position by the safety device of the aristocracy, pictured a social England which consisted of the Court, the mansions of the nobility, and the humble dwelling-houses of the rest. Here again it was easy, in the light of accepted contemporary theory, to argue that the noble mansion was the most important of the three. The close association between political power and the possession of property was one of the favourite commonplaces of the



A MEETING OF THE LORDS SPIRITUAL AND TEMPORAL IN THE HOUSE OF LORDS IN 1689

According to a Dutch print in the Sutherland Collection in the Bodleian

day. That those who had the greatest vested interest in the land must necessarily control it was an oft-repeated dogma.[1] Who owned the land of England in the eighteenth century? Perhaps the most enlightening map of our country for the period would be one that marked not physical features, but family spheres of influence. The land would clearly be seen to be divided up between Cavendishes and Bentincks, Russells and Pelhams, Leveson-Gowers and Mannerses, Montagus and Berkeleys, Seymours and Howards. Each county had its dominating family influence or influences. No one competed with the Russells in Bedfordshire; on the other hand, Notts. was divided between the Duke of Newcastle and Lord Middleton, and the wide acres of Yorkshire were shared by several, by the Earls of Carlisle, Scarbrough, and Feversham as well as by the Marquis of Rockingham and the Fitzwilliam family—and so it was in most counties. There is no better way of visualizing the all-pervading influence of the peerage in the period than to picture the country in this way. Every peer was very conscious that he had a great stake in the country, and that consequently he was entitled to a large share of its privileges and a great say in its government; and every contemporary realized that the peers held such convictions, if only because of the game laws and the strenuous activities of their lordships at general elections. The existence of a small and powerful aristocracy was taken for granted as a necessary political and social fact.

The life of aristocracies has certain features common to all periods and all countries. A class which is wealthy and leisured is peculiarly liable to the temptations of self-indulgence. A rather large proportion of a noble class is in youth apt to lead an idle and dissipated existence, especially if there is a prevalent belief in the desirability of sowing wild oats; some will continue to lead that type of existence

[1] Cf. W. E. H. Lecky, *Democracy and Liberty* (2 vols., 1896), vol. i, p. 2. 'It was urged that the freeholders had a fixed, permanent inalienable interest in the country, widely different from the migratory and often transient interests of trade and commerce; that their fortunes were much more indissolubly blended with the fortunes of the state; that they represented in the highest degree that healthy continuity of habit and policy which is more essential to the well-being of nations.'

always, and the young rake will develop into the aged *roué*. The scions of noble families who received their education at one of the great public schools were taught the classical languages with great thoroughness and spent a hard life—so hard indeed that Chatham once remarked that he had 'scarce observed a boy who was not cowed by life at Eton; that a public school might suit a boy of a turbulent forward disposition, but would not do where there was any gentleness'.[1] At any rate, however luxurious the home-life might be, the peer's son passed through a severe discipline at his school. Most of the sons of the nobility—whether they went to the university or not—made the grand tour, in which they picked up some knowledge of France, Germany, and Italy, and imbibed at least a smattering of foreign culture, and had the opportunity of learning something at first hand of the civilization of ancient Rome, of the great Italian masters and contemporary French art, though the tradition was to study rather politics and economics than culture when abroad. A good many saw service in the army, and quite a considerable percentage of the members of the Upper House in the eighteenth century had had experience of actual warfare. But, at all events in the earlier part of the century, military discipline sat but lightly upon the aristocratic subaltern, who was inclined to regard a campaign as a sort of glorified holiday and to behave as though his sole obligation was to fight and to ignore troublesome routine duties, which were left to the non-commissioned officer.[2]

Positions at Court were ardently sought after even in the days of the first two unpopular and unattractive Georges. While the few aspired to high office and the burdens of statesmanship, the many were ambitious to be a Lord of the Bedchamber, a Ranger of the Royal Parks, Captain of the Band of Pensioners, or Master of the Royal Buck Hounds. A position in the royal household was not necessarily devoid of political importance. Lord Hervey, when Lord Chamberlain, was perhaps after Walpole the most influential man in the kingdom, and Bute was a great power when merely

[1] Fitzmaurice, *Life of Shelburne*, vol. i, p. 72.
[2] Fortescue, *History of the British Army*, vol. ii, p. 575.

Groom of the Stole. In any case, whether it was genuine authority or merely social eminence that was aimed at, the noble sought place at Court.

Outside the palace of St. James' lay fashionable London—a London which in the reign of Queen Anne did not extend westward of where the Marble Arch now stands—the aristocratic neighbourhood still being thronged by a far from aristocratic crowd at the Mayfair and whenever a noted highwayman was due for execution at Tyburn. In Anne's day the seats of the mighty were still in the district of Bloomsbury and Soho Square, though a little coterie of Tory peers were settled at the opening of the Georgian era along the Uxbridge road. Later on there was an extension westward and northward. Jermyn Street and Arlington Street were the favoured quarter in the era of Walpole; here lived Walpole himself, Henry Pelham, Pulteney, and Carteret. The memory of the third Duke of Portland, who succeeded to the vast properties of the Bentinck, Holles, and younger Cavendish families, is still kept alive by the nomenclature of the streets near Devonshire House and in 'Tyburnia'.

The great places of popular amusement in London—Vauxhall and Ranelagh—were not altogether despised by the man of fashion, though, late hours becoming more and more a fashionable habit, he developed a way of arriving when the entertainments were almost over.[1] The music at Ranelagh stopped at ten; the *beau monde* put in an appearance about midnight. Still it was possible for the humble artisan and the country-cousin to get a peep at the *beau monde*—as Evelina did—in the public gardens, and even at the Rotunda and at the *ridotto*. But the man about town, while occasionally deigning to grace the popular pleasure-ground and assembly room, to the edification of the 'general', spent most of his time at his club—White's, Almack's, Boodle's. The characteristic vice of the period was gambling. Anything and everything could be made the subject of a bet.

[1] H. Walpole, *Letters*, vol. x, p. 65. The habit of late hours developed in a marked way during the American war. Lord Derby's chef, we read, gave notice, though he liked his place, because he would be killed if he had to go on cooking suppers for 3 a.m.

But it was at the gaming table, in the fashionable gaming club, that the greatest sums were won and lost. In 1770 Horace Walpole records that the play at Almack's was such as to betoken the downfall of the empire.[1] Notoriously the prince of the gamesters was Charles Fox ; his companions at the tables were mostly either peers or, like himself, the sons of peers. In 1778 there was a great law-suit regarding the estate of the young Lord Foley, which had become hopelessly encumbered as the result of the reckless gambling of that noble and his younger brother ; they owed their undoing to the fatal influence of Fox.[2] Turn the pages of Selwyn's *Correspondence* and you are met on almost every one by the names of members of the small circle of noble families who night after night staked their money on the luck of the cards or took mighty wagers on any sort of hazard, however childish and ridiculous. The Selwyn circle of *soi-disant* wits, gamesters, fops, macaronis, bedecked in all the extravagance of an absurd fashion, were in their idle round of frivolity the cynosure of many eyes.[3] The follies and inanities of the *beau monde* remained throughout this period one of the most popular of stage conventions, and it is noteworthy that Sheridan found it well worth while to revive the figure of Lord Foppington and to adapt Vanbrugh's *The Relapse* as *The Trip to Scarborough*. The only change in the eighteenth-century coxcomb was that the earlier type was heavier and more pompous than its successor. But the weight is largely a matter of corpulence. The perfect exponent of the part of Vanbrugh's Foppington was that sound and somewhat portentous actor, whose methods were discredited and whose pre-eminence was destroyed by Garrick—James Quin ; and it is worth noting that it was observed by Richard Cumberland, concerning one of the most famous of eighteenth-

[1] Walpole, *Letters*, vol. vii, p. 365.

[2] Walpole, *Last Journals*, vol. ii, pp. 224–6, 255.

[3] The following appears as a list of the amusements of men of fashion in a skit of 1782—flute-playing, pistol-shooting, hare-hunting, agriculture, military glory, retirement, cricket, tennis, fox-hunting, riding, popular tumult, the turf, skating, a nap, naval practice, gig-driving, the violoncello, menageries, toping, a festive-board, conviviality, coursing, ancient music, caricature, burgundy. See G. E. C. (new ed.), vol. i, Appendix, pp. 496–7.

century coxcombs, Bubb Dodington, Lord Melcombe, that, with his enormous bulk lavishly displaying a great array of brilliant coloured silk, brocade, and embroidery, he was the living image of Quin in his stage attire.[1]

The two great enemies of the leisured classes in the eighteenth century were the dice and port wine. In the earlier decades it was rather the lower than the upper classes that were notorious for their enslavement by drink, and the horrible cartoon of Hogarth has made memorable for all time the ravages of gin. But if the substitution of spirits for beer was the undoing of the lower orders, similarly fatal to the peace of body of those higher in the social scale was the substitution of port wine for claret. Few were those whose constitutions could really stand three bottles a day with impunity. The man of fashion, plagued by the gout and unable to tear himself away from the tables at his club till the early hours of the morning, was apt to be middle-aged at thirty and old at forty. Habitual intemperance was the cause of the lung trouble that brought one Duke of Beaufort to the grave, and of the convulsions that cut off a Duke of Leeds.[2] The third Earl of Lichfield, nearing his end, was described by Lady Mary Coke as ' a red-faced old gentleman, shaking all over with the palsey, who had almost drunk away his senses, and seemed hardly to know what he was saying or doing '.[3] There were said to have been fatal results from a tremendous debauch at the Duke of Newcastle's in 1721, which lasted thirteen hours.[4] The evil of hard-drinking tended to increase, as the phrase ' drunk as a lord ', current at the end of the century, is testimony. It was not only the purely idle and dissipated that were its victims. Bolingbroke and Carteret were both notorious for their hard-drinking.

Drunkenness was sometimes allied with other excesses still more objectionable. The celebrated Mohocks, who in 1712 used to range the streets of London at night, beating and otherwise assaulting peaceful wayfarers with the rudest

[1] Ll. Sanders, *Patron and Place Hunter* (1919), p. 75.
[2] Sichel, *Bolingbroke*, vol. i, p. 110.
[3] *Diary of Lady Mary Coke*, vol. i, p. xxxiii.
[4] *Portland MSS.*, vol. v, p. 616.

horseplay as a means of recreation, belonged to the aristocracy. The love of riot was often found in the young lord's breast—as, for example, at the time of the mob's rejoicings over Admiral Keppel's acquittal, when Lord Derby, who had been drinking late at Almack's, joined the Duke of Ancaster and other young sparks of the nobility in window-smashing and in inciting the demonstrators to further violence.[1] The Hell-fire Club and the dissolute brotherhood of Medmenham Abbey were associations formed by men of the fashionable world.[2] Sandwich, Despencer, Melcombe carried on the tradition which had been passed down through the two Whartons, father and son, from the gay and infamous Whitehall of Charles II.

The most celebrated of all the debauchees of the century was William Douglas, Earl of March, who in 1778 succeeded to the dukedom of Queensberry, and who is best known by his sobriquet in later life of 'old Q'. This thorough-going reprobate was for twenty-eight years a Lord of the Bedchamber to the virtuous George III. As a young man he was very fascinating—but prudent mammas kept their daughters aloof. He was the most brilliant figure in all London, the most assiduous at Newmarket, the arbiter on dress and deportment.[3] He knew no happiness outside the circle of his cronies, his opera-girls and dancers, and so paid scant attention to his great estates in Scotland and his magnificent place at Amesbury in Wiltshire. He owned also a villa at Richmond, but its sylvan surroundings had no charm for him. The celebrated view of the river did not appeal to him. 'What is there to make so much of in the Thames?' he demanded. 'I am quite tired of it—there it goes, flow, flow, flow, always the same.'[4] Only one sort of scene attracted him—that which he had from his house in Piccadilly, on the veranda of which as an old man he used to sit, with a large parasol over his head, ogling all the pretty girls who passed in the street. He never attempted to resist

[1] See *Memorials and Correspondence of C. J. Fox*, vol. i, p. 224.

[2] It has to be remembered that we know little of these clubs except their reputation among outsiders, and that no doubt was largely a matter of gossip.

[3] *Diary of Lady Mary Coke*, vol. i, pp. lxxiii–lxxvi.

[4] See Jesse's *George Selwyn*, vol. i, pp. 194–210.

a pretty face. His amours were incessant. They were his absorbing occupation, his chief delight, his constant worry. From one conquest—or rather conqueror—he went on to another, each of them during her fleeting day very conscious of her power and determined to make the most of it. He used to confide his troubles to George Selwyn—especially the wiles of his little *buffa*, the Zamperini, 'the prettiest creature in the world, but the most complete coquette that ever existed.' Selwyn had to help in the purchase of silk stockings of very small size with embroidered clocks and other such vanities for the Zamperini's delectation.[1] He enjoyed a long life in spite of his excesses. He outlived his popularity. The period of the Regency was by no means a fastidious age, but it was shocked at 'old Q'—he was an ogre, an enormity—it seemed incredible that his own generation could have even tolerated him.

In one or two of the profane members of a vicious set there was a strain of affectation, amounting almost, if not quite, to madness. How else can one explain the career of Lord Ferrers, who after a life of drunken brutality, during which he ill-treated his wife and his mistress with complete impartiality, slew a servant in a fit of anger and played the mountebank to the moment of ascending the scaffold itself ?[2] On the fatal day he dressed himself in his wedding clothes, and drove to his execution in a landau with six horses, his coachman blubbering all the time on the box, while the master, though refusing to discuss his religious convictions, because he feared they might not be agreeable to the clergyman, expressed the opinion that Bolingbroke's deistical works should not have been published, and then—if we are to take Horace Walpole seriously—being refused wine by the sheriff, solaced himself for the rest of the journey with pigtail tobacco.[3]

Eccentricity among the peerage sometimes was of a much more pleasing type. Indeed seeing that the average existence of the man of fashion tends to belong to a routine, dictated by rigid rules of mode and etiquette, eccentricity may be

[1] *Ibid.*, vol. ii, pp. 124–5, 128.
[2] See *supra*, p. 29.
[3] Walpole, *Letters*, vol. iv, pp. 378–88.

accounted a sign of grace, and the eccentric peer is not uncommon in the eighteenth century. Here is Henry Herbert, ninth Earl of Pembroke, who died in 1751, considered something of a madman, an amateur architect and boxer who developed into a vegetarian—which was no doubt taken as a sign of lunacy in his day. He had a pretty gift of language and was 'so blasphemous at tennis, that the primate of Ireland was forced to leave off playing with him'.[1] Here is the eighth Duke of Somerset who for the last few years of a long life shut himself up in his own house and refused to see anybody, going about in such constant terror of small-pox that he would never touch a letter, but made a servant hold it up to the light for him to read it.[2] Here is the second Earl of Egmont the pamphleteer, with a passion for all things medieval, building himself a wonderful fortified castle of the most archaic pattern.[3] Here is the first Earl of Lonsdale, known to all Cumberland and Westmorland as 'the bad Earl', gloomy, morose, evil-tempered, immensely wealthy and ambitious, yet always travelling about the Lake District in a rumbling, tumble-down coach, as if he were in the most penurious circumstances.

It would give a false impression to dwell too long upon the examples of the vicious and the merely peculiar among the peers of the time. The moral failings and eccentricities of an aristocracy as compared with those of the rest of the community may very easily be exaggerated. The offenders are so much in the limelight that we hear a disproportionate amount about their activities. It must be remembered that, on the whole, the peerage formed a really cultured society, taking interest in the world of art and letters and having certain cosmopolitan characteristics. The familiarity with the classics, driven well in at school and fostered even in the

[1] H. Walpole, *Letters*, vol. ii, p. 420.

[2] J. Langton Sanford and Meredith Townsend, *The Great Governing Families of England* (2 vols., 1865), vol. ii, p. 279.

[3] H. Walpole, *Memoirs of George III*, vol. i, pp. 387–8. 'Lord Egmont was such a passionate admirer of those noble tenures and customs that he rebuilt his house at Enmere in Somersetshire in the guise of a castle, moated it round, and prepared it to defend itself with cross-bows and arrows against the time in which the fabric and use of gunpowder shall be forgotten.' See on Lord Egmont, *D. N. B.*, vol. xliv, p. 370.

days of their greatest decadence by Oxford and Cambridge, was more than superficial ; the effects of the grand tour were more than skin-deep ; while, if he did not often again travel farther afield, the peer paid frequent visits to France. Indeed the extensive coming and going between the leisured classes of France and England during the intervals of peace between the two countries is one of the interesting features of the century, the association being particularly intimate during the years when Stormont was at the Paris embassy, 1773–8,[1] the salons of Madame du Deffand, Madame Necker, and Mademoiselle de l'Espinasse being often visited by members of the English nobility. Richmond and Shelburne knew France well and the former owned estates there. Shelburne, in particular, was a friend of some of the most eminent Frenchmen of the age, such as Helvétius, Morellet, and Mirabeau. Foreign health-resorts attracted the wealthier Englishmen from his own shores, even when England's watering-places were becoming famous. Spa was particularly popular, although—or perhaps because—it was very expensive and select.[2]

The peerage, which had courted the muses in the Restoration period, still coquetted with literature during the eighteenth century. The century witnessed the famous deathblow administered to the system of aristocratic patronage by Dr. Johnson's letter to Chesterfield, but the list of noble patrons is nevertheless striking—Charles Montagu, Earl of Halifax ; Harley, Earl of Oxford ; Richard Temple, Lord Lyttelton being the most remarkable ; but there were others, and to befriend the man of letters was the worthy ambition of a good many otherwise commonplace noblemen. Some of the patrons were themselves authors—Halifax, Prior's collaborator, Chesterfield, Lyttelton. The last took his literary career, as he did everything else, with a seriousness as profound as his genuine piety. The friend of Thomson, Shenstone, Doddridge, he was, as we have already seen, a most painstaking and uninspired versifier and historian, as well as something of a theologian, for he was the author of

[1] See C. H. Lockitt, *The Relations of French and English Society, 1763–93* (1920), p. 11.

[2] See *Diary of Lady Mary Coke*, vol. i, pp. 8–10 ; vol. ii, p. 61.

Observations . . . on the Conversion of St. Paul, which greatly impressed such orthodox contemporaries as Dr. Johnson, who declared that infidelity had never been able to produce even a spurious answer to it.[1] If the fame of Lyttelton has not survived, the century produced at any rate three noble authors, whose works are classics—in Bolingbroke, Chesterfield, and Horace Walpole, fourth Earl of Orford. And perhaps to this list there ought to be added the name of Lord Hervey, because his *Memoirs*, notwithstanding the monotony of their antithetical style, are a masterpiece of vivid and at times dramatic portraiture. The noble pamphleteer should not be lost sight of. Few pamphlets have a longer day than the ephemeral circumstances which inspired them : but those which Hervey wrote for Walpole, those which Pulteney, Earl of Bath, wrote against him, and those which Lord Egmont wrote against the Pelhams, were among the most effective of their kind. Near the end of our period there emerges the figure of Frederick, fifth Earl of Carlisle, one of Selwyn's closest friends, 'a young man of pleasure and fashion, fond of dress and gaming,'[2] at one time esteemed the best dressed man of the day—one of the most assiduous of clubmen, but also an aspirant to literary fame. He wrote poems and tragedies—an ode on the Death of Gray and two plays entitled the *Father's Revenge* and the *Stepmother* being his most ambitious works, which one authority has found to be 'not only of striking imagery and depth of thought, but also a propriety and copiousness of language, and an elegance, and occasionally a power of versification, in which few of his contemporaries could compete with him'. He was cousin of the great Lord Byron. The two poets, the dilettante and the genius, did not get on well, and it was probably owing to jealousy that Carlisle refused to introduce his illustrious kinsman into the House of Lords, when the latter took his seat. Byron retaliated in the same year by immortalizing his cousin in *English Bards and Scotch Reviewers.*

A few members of noble houses were devotees of a more

[1] See M. Wyndham, *Chronicles of the Eighteenth Century* (2 vols., 1924), vol. i, pp. 175–240.

[2] Walpole's *Last Journals*, vol. ii, p. 213.

severe mistress than Letters. Halifax, the pupil and lifelong friend of Newton, had some scientific attainments; Henry Cavendish, a grandson of the third Duke of Devonshire, who went into an eccentric retirement, shunning the society of womankind and instantly dismissing any female servant who came within a certain distance of him, gave up his whole life to research in chemistry; the second Duke of Portland, a Fellow of the Royal Society, who avoided the political career which was the natural avocation of an eighteenth-century duke, devoted his time to scientific studies.[1] Richard Boyle, third Earl of Burlington, was more than a mere amateur architect, being one of the chief exponents of the Palladian style in England.[2]

The nobility were the constant patrons of the theatre and the opera-house, and the management regarded their favour as essential to success. The attendance of the younger peers and their sons was not an unalloyed joy to producers, actors, and general audience. Their footmen and lacqueys considered free seats in the upper boxes to be their perquisite, and so strong was their hold upon this privilege, which considerably reduced the cash-producing capacity of the house, that it was not abolished until 1780. Their masters dominated the audience from the side-boxes or hampered the actors' movements by occupying seats upon the stage, from which they had easy access to the green-room and the fascinating area behind the scenes. Peace and decorum did not always reign in the eighteenth-century playhouse. Displeasure with the management or the performance was apt to take violent forms, and the man of fashion more often than not was ringleader in the riot. On one occasion a noble marquis led a storming party which, with drawn swords, fell upon the stage and either cut to pieces or burnt stage-properties, musical instruments, and furniture. But so essential was the goodwill of the nobility that the management refrained from taking proceedings against the prime mover in this outrage.[3] There were fashionable play-

[1] Sanford and Townsend, *Governing Families*, vol. i, p. 179.
[2] See *D. N. B.*, vol. vi, pp. 117–18.
[3] See *Dr. Doran's Annals of the English Stage* (ed. R. W. Lowe, 3 vols.,

goers of a different—a very much graver—sort who may be said to have had a powerful influence upon the development of the eighteenth-century drama. Critics of the type of Chesterfield and Horace Walpole, who recoiled from anything which was at all crude or extravagant or boisterous, went to the theatre in order to witness on the stage a mimic representation of their own fastidious manners and mannerisms. It was to please a fastidious public that the sentimental drama of the eighteenth century came into being. Good-spirits, jollity, passion, simplicity—these ingredients of a great play were taboo—because they did not conform with a rigid canon of gentility and refinement.[1]

The aristocracy were patrons, not only of the English drama, but of the Italian opera. Rival factions supported the conflicting claims of Buononcini and Handel—the court peers being Handelian, because he was the protégé of the royal family, and the opposition adhering to the cause of Buononcini for the same reason. The chief of Handel's champions outside the royal circle was the first Duke of Chandos, at whose country seat near Edgware the composer lived for several years, composed his first opera *Esther*, and saw it first performed.[2] Gay's great ballad-opera, because it contained so many delicious sallies at the expense of Walpole, enjoyed the enthusiastic patronage of Argyll, then in opposition, and of the Duke and Duchess of Queensberry.

The peerage were of necessity patrons of art—or at least of portraiture—for had not the portraits of themselves, their wives and daughters to be painted ? So the nobility became art critics willynilly, and were acrimoniously divided as to the respective merits of Reynolds and Romney. Thurlow, it is worth noticing, could see no merit in Sir Joshua—he was a Whig and, therefore, a bad painter. The fact that some of the greatest artists in English history were at the service of

1888), vol. ii, p. 150 ; H. Saxe Wyndham, *Annals of Covent Garden Theatre* (2 vols., 1906), vol. i, pp. 110–12.

[1] Private theatricals were very popular, especially at Woburn, where Bedford and Sandwich often acted. Garrick sometimes lent the scenery. See *Letters of Lady Sarah Lennox*, vol. i, p. 198 ; *Private Corr. of David Garrick* (2 vols., 1831), vol. ii, p. 342.

[2] See E. Walker, *History of Music in England* (1924), pp. 188–90.

the eighteenth-century patron has given to many of the peers and their ladies an immortality out of all correspondence with their intrinsic merits or importance. But all that they had of grace and beauty is retained upon the canvasses of Gainsborough, Ramsay, Reynolds, Romney. There still lives the beauty of the two beautiful sisters Gunning—the Duchess of Hamilton and Countess of Coventry respectively —' Dr. Sacheverell never made more noise than these two sisters ' [1]—and the debonair handsome young men whom Romney delighted to paint. Apart from the works of the great English portrait painters probably what most pleased the peer who esteemed himself an art critic were the pictures of Poussin and Salvator Rosa, Carlo Dolci, and the school of Bologna.[2]

The craze for the later Italian art owed much of its vogue to the prince of noble art critics of this day, who though we know him best as Horace Walpole, is legitimately included in these pages, because he lived to become Lord Orford. There may have been much that was absurd in the sage of Twickenham, in his extravagant admiration—how he would have resented the epithet !—for the things he chose to designate as Gothic, in the queer architecture of Strawberry Hill, and the equally queer stage machinery of that famous and once startling romance, *The Castle of Otranto*, but—however little sympathy we may to-day have for it—his artistic sense and knowledge were genuine, just as his general culture and literary skill were genuine. Few people have been more denounced and decried by posterity than Lord Orford, and few can be more heartily enjoyed, or have proved more useful. We see his world through a medium which was mordant, ill-natured and often petty, but trace the anecdotes about his period which are most witty, most entertaining, most illuminating, very often narrated by his bitter decriers —and the author will time and again be found to be Horace Walpole.

[1] Walpole, *Letters*, vol. iii, p. 88.

[2] There was formed in 1734 a society known as the *Dilettanti*, composed of the principal nobility and gentry in the kingdom, for the encouragement of letters and the fine arts. See *Charlemont Memoirs*, vol. i, p. 203.

It is so easy to disparage the culture of the dilettante and the cynic that less than justice is often done to their powers of criticism and penetration. People who have been taught to disapprove of Chesterfield are surprised to learn that he was an able statesman and administrator; taught to echo Dr. Johnson's view [1] of his *Letters to his Son* because of their non-morality, they forget that what the author was seeking to inculcate was not morals but manners, and that some of his maxims may profitably be taken to heart by the best of us. His point of view as to good-breeding—both as regards its obvious limitations and its better characteristics—is well worth studying for the light it throws upon the social code of the class for which he wrote. 'A man's own good-breeding is his best security against other people's bad-manners.' 'An uninterrupted life of pleasure is as insipid as contemptible. Some hours given every day to serious business must whet both the mind and the senses, to enjoy those pleasures.' [2] Chesterfield had a quite genuine contempt for mere idleness and dissipation, and he quite genuinely revolted against grossness and brutality.

On the other hand, his conviction that the ultimate sin was vulgarity, the chief of virtues good-breeding was based upon a fundamental class-consciousness. The pleasures of low life, he declares, are merely sensual; those of high life 'and in good company (though possibly in themselves not more moral) are more delicate, more refined, less dangerous, and less disgraceful; and, in the common course of things, not reckoned disgraceful at all.' [3] Again:

'Let misanthropes or would-be philosophers disclaim as much as they please against the vices, the simulation of Courts; those invectives are always the result of ignorance, ill-humour, or envy. Let them show me the cottage, where there are not the same vices, of which they accuse Courts; with this difference only, that in a cottage they appear in their native deformity, and that in Courts, manners and good-breeding make them less shocking, and blunt their edge.' [4]

[1] 'They inculcated the morals of a strumpet with the manners of a dancing-master.'

[2] Chesterfield's *Letters*, vol. i, p. 339.

[3] *Ibid.*

[4] *Ibid.*, p. 448.

In other words, while morally they are admitted to be on an equality, the higher classes are commended because they know how to give a delicate veneer to their indelicacy, the lower classes are condemned because they have not learnt to disguise the native deformity of their grossness.

The same contempt for the lower orders is revealed in a characteristic letter from the Duchess of Buckingham in reply to one from Selina, Countess of Huntingdon, which had been written to draw the Duchess's attention to the virtues of the methodists. Her Grace wrote :

'I thank your Ladyship for the information concerning the methodist preaching; these doctrines are most repulsive and strongly tinctured with impertinence and disrespect towards their superiors in perpetually endeavouring to level all ranks and do away with all distinctions, as it is monstrous to be told that you have a heart as sinful as the common wretches that crawl on the earth. This is highly offensive and insulting, and I cannot but wonder that your Ladyship should relish any sentiments so much at variance with high rank and good-breeding.' [1]

The pride of the English peer was satirized in Churchill's poem *Independence*:

> Came forth a species altogether new,
> Something we had not known, and could not know,
> Like nothing of God's making here below;
> Nature exclaimed with wonder—Lords are things,
> Which, never made by me, were made by Kings.[2]

The sixth Duke of Somerset was not the only 'proud duke' in the eighteenth century by any means. There was plenty of pride of caste and of race in the Graftons and the Richmonds, and perhaps the Earls Temple surpassed any duke in this respect.[3]

Pride is nowhere more vividly exemplified than when a member of a noble family contracted a *mésalliance*. When

[1] S. Tytler, *The Countess of Huntingdon and her Circle* (1907), p. 47.

[2] Churchill's *Works*, pp. 413–14.

[3] The Sackville family were notorious for their pride. See Sir C. Hanbury Williams, *Works*, vol. i, p. 45 :

> Consider Dorset, famous for more pride,
> Than half the haughty English peers beside.

Henry Fox made a runaway match with the Lady Caroline Lennox, daughter of the second Duke of Richmond, there was enormous consternation.[1] Newcastle treated the matter as one of national importance. 'I thought', exclaimed Carteret, 'our fleet or our army were beat, or Mons betrayed into the hands of the French.'[2] To the Lennoxes the Fox family were nobodies, though they were able to boast two peerages before the eighteenth century was over, those of Ilchester and Holland, and had acquired so much proper sentiment before the end of the century as to feel as scandalized as the Lennoxes had been, when the same sort of trouble befell them. Lord Ilchester's daughter, Lady Susan Fox Strangways, married an actor named O'Brien. This nearly broke her father's heart. 'Even a footman were preferable; the publicity of the hero's profession perpetuated the mortification.'[3] The family could not endure it. 'To remove the disgrace from the eyes of the public', they procured for O'Brien a post under the ordnance in America.[4]

Pride is the salient charactersitic of the stage-peer. In Fielding's play, *The Intriguing Chambermaid*, there are two lords; one is called Lord Pride, the other Lord Puff. The latter pours contempt on 'plebeian scoundrels, who are obliged to pay their debts', peers not being under that demeaning obligation.[5] In the same author's *Love in Several*

[1] Although the Duke's own marriage had been of the queerest. As a young man he had been contracted to a daughter of the Earl of Cadogan, the two fathers having arranged the match in cancellation of a gambling debt. The young earl was brought from College, the bride from the nursery, to be wed. Immediately after the ceremony they separated, the young man starting out upon the grand tour. Upon his return he avoided his home and went, on the night of his arrival, to the theatre. There he was at once struck by the great beauty of a lady in one of the boxes. On inquiry, he found that the beauty was the reigning toast—and his own wife! He promptly fell in love with her, and the couple lived happily until the delinquent Caroline, eldest child of a family of twelve, brought disgrace upon them. See Sanford and Townsend, *Governing Families*, vol. ii, p. 290. Ilchester, *Life of Henry Fox*, vol. i, p. 108.

[3] Walpole, *Letters*, vol. vi, pp. 49–50.

[4] *Last Journals*, vol. i, p. 147. Peers' daughters seem to have aspired after freedom. There were quite a number of these disgraceful events. Lady Mary Duncan married a doctor; Lady Caroline Keppel a surgeon; Lady Henrietta Wentworth a footman; Lady Elizabeth Bertie a dancing-master!

[5] Act II, Sc. viii.

Masques Lord Formal, who prides himself on his great knowledge of good-breeding, shows his sense of his own nobility by his ineffable disdain for 'those barbarous insects the polite world calls country squires'.[1] In Townley's farce, *High Life below Stairs*, in which the menials ape their master's manners, the Duke's servant claims that those who serve the nobility are of a different species altogether from those who serve commoners. He and the footman to a knight make love to the beauty of the kitchen. 'Stand off,' exclaims the Duke's man, 'you are a commoner—Nothing under Nobility approaches Kitty.'[2]

We need not take the nobleman of the stage too seriously. The proud peer is a legitimate figure for fun, and English eighteenth-century drama has no monopoly of the type. The stage character is only significant when we can find parallels for him in real life. This in the case of the arrogant duke or aristocratic coxcomb of the eighteenth-century drama it is quite easy to do. But there is a reverse side to this picture of aristocratic pride and aloofness; the barriers between the nobility and other classes was at times broken down. There is no more characteristic feature of eighteenth-century life than the vogue of the watering-place. Society developed the habit of flocking to Bath, Tunbridge Wells, Harrogate, Cheltenham, Scarborough, Brighton. It was, in the first instance, the aristocracy that frequented these resorts; but the squirearchy and the middle classes followed. To begin with, it was noticeable that the squires and townsmen and their families, who summoned up courage to enter the select portals of pump room and assembly, were wont to stand apart, staring awkwardly and foolishly at the polite world, which had transported itself from London, and which maintained all the exclusiveness of Mayfair even when it deigned to visit the provinces. But when that remarkable adventurer, Beau Nash, started his reign at Bath, he refused to tolerate the existence of two separate societies. Every visitor had to obey the same rules, and that meant that everybody had to behave like everybody else—whether peer,

[1] Act III, Sc. ix.

[2] *High Life below Stairs*, a farce in 2 acts (8th ed., 1768), pp. 11, 36.

squire, or attorney. Thus while Bath came to be thronged with 'such dukes and duchesses as Dugdale never dreamt of',[1] and the other spas were only less popular with the great ones of society, the classes did mingle in them, for families which rarely if ever went up to London formed the habit of visiting their nearest watering-place. Thus Chesterfield found at Scarborough in 1733 not only the Duke of Argyll and other grandees, but hundreds of the local Yorkshire beaux.[2] The manners of the smaller squires and traders were undoubtedly apt to be somewhat boorish and uncouth in the earlier part of the century, and the opportunity of observing the greater refinement and courtliness of the fashionable world was an advantage, so long as courtly insincerities were not also copied.[3]

The peerage also did something to spread the social amenities from their great country houses—for such places as Woburn, Stowe, Wilton,[4] and Althorp were centres of civilization. It was noticed by a French traveller that the English nobles' town-residences were insignificant compared with the magnificent mansions of the French nobility in Paris.[5] On the other hand, the great country seats in England could not be surpassed anywhere in Europe. The wealth of their owners made the stately palaces of the nobility the opportunity of the architects, the decorators, the artists of the period. Vanbrugh and the Adams erected the edifices, Reynolds and Gainsborough bedecked their walls, 'Capability' Brown surrounded them with his exotic landscape-gardens. Stowe was one of the most magnifical of these establishments. We are assured that when the Princess Amelia visited it in 1763, its buildings and its gardens, with their 'curious works of nature and art', struck her with 'great astonishment and admiration,

[1] Jesse, *Selwyn*, vol. i, p. 126. [2] *Letters*, vol. i, p. 727.

[3] See A. Barbeau, *Life and Letters at Bath in the Eighteenth Century* (Eng. trans., 1904); L. Melville, *Bath under Beau Nash* (1907); L. Melville, *Society at Royal Tunbridge Wells in the Eighteenth Century—and After* (1912).

[4] There is an interesting description of Wilton in Defoe's *From London to Land's End* (ed. 1888), pp. 53–61.

[5] Grosley, *Tour to London*, vol. i, p. 141.

answering far beyond any reports, descriptions or conceptions '.[1] Lyttelton's abode at Hagley was less florid; but here also the prevailing craze for bringing a wild and luxuriant nature into the domestic garden had introduced grottoes and tumbling cascades and rivulets, in the midst of which profusion the amiable Maecenas entertained his poet-guests.[2] No dwelling were more elaborate than those of the erstwhile apothecary's son, Mr. Bubb, who became Baron Melcombe. Vanbrugh had designed Eastbury, his place in Dorset, with its great portico of Doric columns without, its wealth of marble and gilt within. Melcombe had contrived that the bugle horn, the symbol of his race, should be worked into all the decorations, and the great man himself could not be approached save through a succession of many rooms and corridors. Even the more modest villa at Hammersmith was rich in statuary, rare marbles, lapis lazuli, and Gobelin tapestries.[3] But the ostentation of the *parvenu* was not peculiar to the eighteenth century.

The country estates of the nobility were not merely a means for the display of the art—and sometimes the culture—of the time; they had a real social importance. Arthur Young once observed, 'Banishment alone will force the French to execute what the English do from pleasure—reside upon or adorn their estates.'[4] The French nobility, like the English, were great landowners, but their principal residences and their main interests were in the capital. It was otherwise with the English nobility. They were always itching to get away from London, as soon as their parliamentary duties permitted—and even when they did not, as we have seen—to return to the countryside, which they really loved. They were not mere court loungers, but essentially men of the soil. It has rightly been said, that 'this was a social fact of great importance, for it is health after all that wins half the battles of classes. No quantity of Burgundy and

[1] *Grenville Corr.*, vol. ii, pp. 406–8.

[2] *Ibid.*, vol. iv, p. 325; M. Wyndham, *Chronicles of the Eighteenth Century*, vol. i, pp. 175–8.

[3] *Memoirs of Richard Cumberland* (1807), vol. i, pp. 184–5; Ll. Sanders, *Patron and Place-Hunter*, pp. 72–5.

[4] *Travels in France, 1787–9* (ed. 1792), vol. i, pp. 45, 57.

Port could kill off a race that was continually restoring its health by life in the open air.'[1] Many of the peers were keen practical agriculturalists, with expert knowledge of husbandry. Two of the greatest agricultural reformers of the century are 'Turnip' Townshend and Coke of Holkham who became Earl of Leicester. The latter fertilized his lands in Norfolk in such wonderful fashion as to transform soil which had never before produced anything but inferior rye into a great wheat-producing soil, and so improved his live stock and house property that the rental of his estate, which was only a little more than £2,000 when he took it over in 1776, had become £20,000 in 1816. Rockingham and Grafton were other great improving landlords; and so also was the fifth Duke of Bedford. Possessing the capital which was essential for experiment and development, the aristocratic landlords were among the pioneers in the agricultural revolution of the century.

There was a real comradeship of the soil between the noble and the humble dweller upon it. There was much violence and brutality in the eighteenth century, and it was not markedly obsequious. Village yokel and town clodhopper were not poltroons. The self-assertion of the mob is an obvious feature of the period—and there were certainly occasions, as we have seen, when a hardy and self-assured crowd of demonstrators came into conflict with, and actually assaulted, noble lords. But on the whole the régime of the aristocratic landowner was popular. It worked—as a rule—by means of favour, not of intimidation or oppression. Sometimes it was patriarchal, fatherly, benign. Landlord and tenant had a common pride—in England, in their own particular countryside. With patriotism they shared also the love of sport. The race-meeting, the boxing-ring, the cricket match (as yet in its infancy) were all centres of a

[1] J. L. and B. Hammond, *The Village Labourer*, p. 304. The authors continue: 'It was due to this physical vigour that the aristocracy, corrupt and selfish though it was, never fell into the supreme vice of moral decadence. The other European aristocracies crumbled at once before Napoleon: the English aristocracy, amidst all its blunders and errors, kept its character for endurance and fortitude.' The whole of Chapter XVI is interesting as a discussion of the English aristocracy in this period.

common interest. A member of the aristocracy, possessed of ready social gifts, and of *bonhomie*, who had served his country in the field of war with distinction, and who had the national love of sport, was in a position to achieve great personal popularity and influence, which helped to endear not only himself, but the class to which he belonged. The extraordinary number of inns all over England which bore the name the Marquis of Granby, some of them retaining the title to this day, are eloquent testimony to the remarkable influence of the eldest son of the third Duke of Rutland, at one time commander-in-chief of the British army.[1]

The strength of the eighteenth-century aristocracy lay in its healthy love of the open air, its for the most part unanalysed affection for the English countryside, for its fields, its villages, its animals, its game, its very atmosphere, in its hereditary memory—going back over long centuries—of the families, the customs, and traditions of each neighbourhood. But the small, simply and uniformly constructed rural England, which had given birth to the social conditions on which the landed aristocracy thrived was rapidly passing away. Agricultural improvers were also agricultural enclosers, and the peers by entending their *latefundia* were aiding in the gradual extermination of the class of yeoman farmer, which was the very bulwark of the old social system. The Industrial Revolution brought great gain to individual peers. Agricultural improvements, still more the discovery of coal or other minerals, and the shooting up of new manufacturing towns, immensely increased the value of the land owned by peers in the favoured districts; and enormously increased wealth, very often without the slightest effort upon his part, came towards the end of the century to many a noble landowner. But the industrial transformation of the country, with the unprecedented increase and altered incidence of the population, and the attendant change in the proportion between urban and rural inhabitants, completely broke up the simple, uniform social system of the eighteenth century. If it brought wealth to

[1] See W. E. Manners, *Life of John Manners, Marquis of Granby* (1899), p. 3.

some of the peers, it brought wealth also to great manufacturers and traders and enhanced the influence of the middle class. In the long run the social and political influence of the landowning aristocracy was bound to suffer.

The most interesting and remarkable of the peers who welcomed the new industrial order was Francis Egerton, third Duke of Bridgewater. As a child—he succeeded to his title at the age of twelve—he gave no promise. He was physically weak and his intelligence seemed to be subnormal. He was taken round Europe on the usual educational tour by a tutor who prevailed upon his charge to purchase precious stones and other curios in Rome; but Bridgewater cared for none of these things and on his death they were found still stowed away in the same packing-cases in which they had been brought from Italy. On his return to England he devoted himself to the turf, kept race-horses, and occasionally rode them himself. Then came the crisis of his life. He proposed marriage to the beautiful Dowager Duchess of Hamilton and the offer was accepted. He, then, however, insisted that his fiancée should cease to be intimate with her sister Lady Coventry, with whom the tongue of scandal was then very busy. This condition was refused and the engagement in consequence broken off. Thenceforward the Duke lived the life of a recluse and of a confirmed misogynist—for, like the eccentric Henry Cavendish, he would not permit a female servant to approach him. Only one thing in the world seemed to appeal to him—canals. To them he devoted all his time, thought, and money. He spent scarcely anything on his own personal needs, going about in the shabbiest of clothes, which were plentifully bedaubed with the stains of snuff and tobacco, and living on a few shillings a week. In his engineering schemes he was associated with that strange unlettered genius, as eccentric as himself, James Brindley. Their initial enterprise was the famous short canal by which the coal from the Duke's pits at Worsley was conveyed to Manchester. Then followed the Liverpool–Manchester canal, the project of which was at first bitterly opposed by the Tories in Parliament, not because canals were against their political principles, but because Bridge-

water was a Whig. This much longer work was open to traffic in 1772. The Duke ran passenger boats as well as coal barges on his waterways. He looked after his colliers well, established a sick-fund and shopping stores for them, and in general showed himself a beneficent, if also an exacting, master.[1]

There were plenty of opportunities for practical philanthropy in the later decades of the eighteenth century. Much the best known of noble philanthropists was William Legge, second Earl of Dartmouth, known as the ' good Lord Dartmouth ', or alternatively as ' psalm-singing Dartmouth '—it depended upon the speaker's attitude to a very simple, quite unpretentious piety. Of mediocre abilities and no attainments as a statesman, Dartmouth endeared himself to George III because of his transparent honesty and high-mindedness. ' They call my Lord Dartmouth an enthusiast,' the King once observed—the century knew hardly any more opprobrious epithet—' but surely he says nothing on the subject of religion but what any Christian man ought to say ? ' [2] The unusual thing was that Dartmouth, though a peer of the realm, did openly talk about religion in the evangelical manner. He had been at school with Cowper and he remained a fast friend of the poet and of the Olney community.[3] He was an ardent temperance reformer, a patron of Methodists. Richardson, when asked who was the original of Sir Charles Grandison, replied that he would have said Lord Dartmouth, had not the latter been a Methodist !

He was a fellow worker with the Countess of Huntingdon, that indomitable lady, who, though wealthy, spent so much money on building and repairing Evangelical chapels in London, Yorkshire, Sussex, &c., that she had to sell all her jewellery, the mother-confessor of old Sarah, Duchess of Marlborough, who believed that even her wicked heart might

[1] *D. N. B.*, vol. xvii, pp. 151–3 ; S. Smiles, *James Brindley and the Early Engineers* (1864), pp. 154–240 *passim* on the Duke of Bridgewater.

[2] *Life and Times of Selina, Countess of Huntingdon* (2 vols., 1839), vol. ii, p. 34.

[3] Cowper wrote :

> We boast some rich ones whom the Gospel sways,
> And one who wears a coronet and prays . . .

derive some good from the saintly countess in the end; the upbraider of the worldliness of Lambeth, who did not shrink from arraigning the Primate, Archbishop Cornwallis, before the King; the zealot who—perhaps most miraculous of all—succeeded in crowding her chapel in Bath with all the nobility and forced such sinners as Horace Walpole, Selwyn, Melcombe, and Sandwich to listen to the inspired discourses of Wesley and Whitefield.[1]

Persons instinct with so keen a sense of social and religious obligation as Lord Dartmouth and Lady Huntingdon will be rarely met with in any sort of society: on the other hand, few of the nobility were destitute of the realization of the obligations of their rank—of their special duties to the country in times of danger and emergency, of their constant political and local duties and their particular responsibilities on their own estates. In the fact that these were not shunned but courted lies the important and fundamental difference between the English and French aristocracies in the eighteenth century. The private letters of the English nobility are rarely without a reference to the political situation. Whatever the defects of the eighteenth-century peerage may have been, indifference to the country's welfare was not one of them.

[1] *Life and Times*, esp. vol. i, pp. 101–9, 468; S. Tytler, *The Countess of Huntingdon and her Circle*, esp. pp. 48, 52, 80–1, 117–20.

CHAPTER XVII

THE PEERS AND THE CONSTITUENCIES

THE powerful influence exerted by the peers in the constituencies was taken for granted in the eighteenth century, though occasionally a note of protest is heard, even early in the period. A pamphleteer, writing in 1722, speaks of 'the interest that is made in all elections by the peers of the realm' as 'openly against our constitution and the rights and liberties of the subject',[1] and the tide of criticism sets in with the opening of the movement for parliamentary reform after 1770. But even the reformers were satisfied that in the counties property must necessarily always exert influence ;[2] and the typical eighteenth-century view tends to regard aristocratic intervention rather as a safeguard than as a menace to the freedom of elections. The danger to be apprehended was that of intimidation by the mob. Thus an article in the *London Magazine* thanks God that the elections 'do not depend upon the giddy mob. They are generally governed by men of fortune and understanding. Therefore, when we talk of people with regard to elections, we ought to think only of those of the better sort, without comprehending the mob or mere dregs of the people.'[3] Security lies in the existence of men of fortune ; the more fortunate, the more exalted the better. This being the ordinary view, the existence of proprietary boroughs and the exertion of the influence of property in elections in their

[1] *The Art of Parliamenteering*, Brit. Mus. Political Tracts, 1710–49, No. 8132, pp. 21–2.

[2] *Political Papers of the Rev. C. Wyvill* (York, 6 vols., 1794–1802), vol. iii, Appendix, pp. 231–2, from a report of a committee on the state of the Representation of England and Wales delivered to the Society of the Friends of the People. Cf. J. Cartwright, *The People's Barrier against Undue Influence* (1777), p. 63. A peer is perfectly entitled, he declares, to advise electors how to vote, 'a freedom without which he would be unnecessarily debarred from the means of making his knowledge and love of virtue and good government useful to the country.'

[3] Quoted in Ilchester, *Henry Fox*, vol. i, p. 89.

neighbourhood by territorial magnates being alike accepted as a matter of course, there was little in the middle of the century to suggest that within the next hundred years a very different view would prevail, and the memoirs and correspondence of the time for the most part reflect a cheerful acquiescence in a system of aristocratic control as a thing not only inevitable but salutary.

The House of Commons had in 1701 resolved, 'that it is a high infringement of the liberties and privileges of the Commons of Great Britain for any lord of Parliament, or any lord-lieutenant of any county, to concern himself in the election of members to serve for the Commons in Parliament,'[1] but this fulmination, renewed though it was every session, remained a dead-letter, so far as its observance in the spirit is concerned. Nor did the Commons take any effective step to enforce it. In November 1747 petitions were lodged against the return of the two successful candidates for the borough of Seaford—Pitt and Hay—on the ground that on the day before the election a noble peer had entertained at his house most of the voters and there spoken to them individually and solicited their votes; that on the election day in order to influence the electors in the same interest, the same peer, accompanied by other peers, came to the polling station and that he remained seated by the returning officer during the whole day. The petitioners alleged that by these and other illegal practices they lost a great number of votes. One member in the debate on the subject eloquently assured Mr. Speaker: 'Your mace, Sir, is a bauble, and so is every ensign of your authority, unless you can preserve your independency.' Nevertheless, the petitions were rejected by the decisive majority of 247 to 96[2] —the reason being that the influence of the peer complained of, viz. the Duke of Newcastle, extended far beyond Seaford; a large proportion of the sitting members being his men. Again, complaints made in 1780 against the influence exerted

[1] *C. J.*, vol. xiii, p. 654. Peers refrained from speaking and appearing at the hustings, but they pulled all the strings.

[2] *P. H.*, vol. xiv, 101–8; Nov. 20. See on this episode B. Williams, *Life of Chatham*, vol. i, pp. 159–62.

in the Hampshire election by the Duke of Chandos and the Duke of Bolton came to nothing. The language used by Lord North on this occasion is worthy of note. He made the statement that the exertion of his influence by a lord-lieutenant in an election ought not to alarm the House. This remark produced tumult for several minutes. North then explained his meaning. A lord-lieutenant, he agreed, must not use the influence he possessed as head of the militia or through the clerk of the peace, ' but that his situation as a lord-lieutenant was not to stand in the way of making use of his family and landed interest, he was not ashamed to insist upon as a matter perfectly agreeable to the constitution.' [1] The House of Commons could not make an effective stand against the ' family and landed interest of the Peers ' exercised at parliamentary elections, because many commoners possessed the same sort of interest. Once accept it as an axiom that the possession of landed property gives the owner a legitimate special interest in the parliamentary representation of the county or borough in which his property is situated, and it was vain to make distinctions between the owner who is a peer and the owner who is a commoner. The only distinction that could be drawn was one between lawful and corrupt methods of influence. The trouble was that the system was one which encouraged and facilitated the corrupt methods.

The peer who refrained from exerting his ' family and landed interest in parliamentary elections ' was in the eighteenth century an almost unknown quantity, for if he himself was indifferent, Governments were not. Contending political parties were too keen to allow any sort of influence to remain unused. But while all were inevitably more or less active, the exceptional skill or industry of the great electioneers is notorious. In the reign of Anne the most ardent borough-monger was Wharton, who is said to have been able to procure the return of from twenty to thirty members in each parliament.[2] Sarah, Duchess of Marlborough, was a good second, as she was prepared to pay sixteen or even twenty

[1] *P. H.*, vol. xx, 1270–2, 1305–7.

[2] D. Grego, *The History of Parliamentary Elections* (1886), pp. 69–70.

pounds for a single vote,[1] and ' excelled in the subtle tactics invaluable in these emergencies, which raised her to the level of Wharton in election fame '.[2] So extensive was the influence of the fourth Duke of Bedford that Junius accused him of having ' bought and sold more than half the representative integrity of the nation ',[3] a wilful exaggeration which would not have been effective had it not been for the substratum of truth in it. Sandwich prided himself upon being an expert. Electioneering, he boasted, was a trade that he had been bred to, and he did not like to do things by halves. He was complimented upon his useful gifts by the Duke of Newcastle himself, who was the finest possible judge, as he was the most distinguished practitioner, of the noble art of electioneering. An analysis of the general election in 1734 shows that he was concerned in elections in the Cinque Ports, in Chester, Cheshire, Derby, Derbyshire, Notts., Yorkshire, Cambridgeshire and Cambridge University, Shropshire, Montgomeryshire, Denbighshire, Flintshire, Somerset, Hants, Monmouthshire, Dorchester, Sussex.[4] Sussex was the chief centre of his interest, for the Pelhams had been there since the Norman conquest, and all the other important families were allied with them. An inspired Sussex toast of 1741 declares of the Duke :

> His arms are open like his soul,
> His friendship full as is his bowl.
> . . . . . .
>
> You ne'er can want while he 's your head,
> He gives you freedom, meat and bread ;
> Your credit nor your stocks can't fall
> While Pelham represents you all.

[1] *Portland MSS.*, vol. v, p. 305.

[2] Grego, p. 73.

[3] *Letters of Junius*, vol. i, p. 98. Junius may have been thinking of the influence, not merely of the Duke, but of the whole Bedford connexion.

[4] See the valuable article by Prof. Basil Williams, ' The Duke of Newcastle and the Election of 1734 ' in *E. H. R.* (1897), vol. xii, p. 454. There is a brief analysis of Newcastle's electioneering activities in the general election of 1741 in Vaucher, *Robert Walpole et la Politique de Fleury*, pp. 374–7.

Then fill your glass. Full let it be,
Newcastle drink while you can see,
With heart and voice, all voters sing,
Long lives Great Holles—Sussex King.[1]

The supposed extent and the distribution of the noble influence in the country can be quickly gathered from a glance at the report of the committee of the Society of the Friends of the People on the state of the Representation of England and Wales issued in 1793, at the *Parliamentary Papers of John Robinson* on the general elections of 1774, 1780, and 1784,[2] or at Oldfield's *Representative History of Great Britain and Ireland*, which was published in 1816.[3] The report estimated that out of a total membership of 513, 306 members of the House of Commons were returned under influence, commoner patrons nominating 82 and procuring the return of another 57, while the Treasury and the peerage together nominated 90, and procured the return of 77.[4] Oldfield, whose investigations belong to a slightly later date, came to the conclusion that 87 peers between them procured the return of 218 members for England and Wales.[5] In the report of 1793 nomination was defined as the ' absolute authority in a borough which enables the patron to command the return ' ; influence as ' that degree of weight acquired in a particular county, city, or borough, which accustoms the electors on all vacancies to expect the recommendation by a patron, and induces them, either from fear, from private interest, or from incapacity to oppose, because he is so recommended, to adopt him '.[6] In a borough the influence was frequently undivided. The Norfolk interest was supreme in Arundel ; the Earl of Bathurst always arranged the return for the family borough of Cirencester ; the Duke of Devonshire controlled Knaresborough ; the Duke of Bedford Tavistock ; the Earl of Powis Ludlow, and so on.[7] Occasionally there might be two noble interests

[1] *Newcastle Papers*, Add. MSS. 32698, f. 82.

[2] Edited by W. T. Laprade for the Royal Hist. Soc., 1922.

[3] T. H. B. Oldfield, 6 vols. Based on his *History of the Boroughs* (3 vols.), which appeared in 1793.

[4] *Wyvill Papers*, vol. iii, Appendix, pp. 229–30.

[5] Oldfield, vol. vi, pp. 285–8. [6] *Wyvill Papers*, vol. iii, pp. 230–1.

[7] Oldfield, *Representative History*, vol. v, p. 29 ; vol. iii, p. 486 ; vol. v, p. 301 ; vol. iii, p. 315 ; vol. iv, p. 397.

in a single borough—the Duke of Richmond and the Earl of Egremont, for example, were joint proprietors of Chichester ; the Duke of Norfolk and the Earl of Egremont of New Shoreham ; the families of Hardwicke and Somers shared Ryegate.[1] In the counties, on the other hand, the supremacy of any single peer was exceptional. Sussex in the earlier part of the century was the virtual preserve of the Duke of Newcastle ; Westmorland, at the end of it, was the complete preserve of the Earl of Lonsdale. But in nearly every case there were several different noble influences in the shire. The counties most completely under aristocratic control were Northamptonshire, Staffordshire, and Nottinghamshire.[2] Notts., with its Dukeries, its Welbeck, Clumber, and Worksop, was inevitably dominated by the interests of Portland, Newcastle, and Norfolk. Cambridgeshire was under the control of the Dukes of Rutland and the Earls of Hardwicke ; Gloucestershire of the Dukes of Beaufort and the Earls of Berkeley ; Huntingdonshire of the Dukes of Manchester and Earls of Sandwich.[3] In Cornwall the county representation was negligible in comparison with that of the forty-two rotten boroughs which it contained, the majority of them controlled by peers, of whom the most powerful was Lord Mount-Edgecumbe.[4] So pervasive was the peers' influence in the counties that a pamphleteer maintained that in the Parliament of 1780 half of the members at least ' are the near relatives or connexions of peers, without property or pretence except such relationship or connexion to be chosen by a county ; almost another fourth are elected by some two or three peers ; and I believe that it will be allowed to me that if the peers in every county were to unite they could nominate every county member except one '.[5] The generally alleged superiority of county to borough representation in the eighteenth century lay in the smaller amount of undisguised corruption

[1] Oldfield, vol. v, pp. 10, 20 ; vol. iv, p. 615.
[2] *Ibid.*, vol. iv, pp. 275, 317–18, 496.
[3] *Ibid.*, vol. iii, pp. 118, 475 ; vol. iv, p. 46.
[4] *Ibid.*, vol. iii, pp. 134–5.
[5] Quoted in *Parl. Papers of J. Robinson*, Introduction, p. x, from ' A Letter to Mr. Debrett, being an Answer to Lucubrations during a short Recess '.

in the counties, and the wider diffusion of influence—not in absence of influence.[1] As to the amount of parliamentary interest possessed by the different peers there is in the 1793 report a very interesting list of the constituencies which peers control either by nomination or other influence. The majority of the peers named control only one constituency or two, but fourteen control four apiece. At the top of the list is Lonsdale with seven, followed by Newcastle, Mount-Edgecumbe, Buckingham, and Eliot with six.[2]

There was a similar state of things in Scotland, where the aristocratic borough-monger, in league with the Government at Westminster, was an immediate product of the Union. No one had the slightest chance of being returned to Parliament for a Scottish seat without the support of one of the great families, and that support, in most cases, was not at all likely to be forthcoming without the assurance that the candidate had been approved by the Government's manager for Scotland.[3] After the abolition of the Scottish Privy Council the position of Lord Advocate became one of greatly enhanced importance, and it was usually through him that the Government transacted its electioneering business north of Tweed. Thus Walpole employed the services of Duncan Forbes in this sort of work.[4] The Lord Advocate or other ministerial agent dealt directly with the principal nobles. An agreement with the two or three most important might be all that was necessary. Thus, in August 1710 we find Lord Dupplin assuring his father-in-law Harley that ' if you can get the four Dukes, Hamilton, Queensberry, Argyll, and Atholl of your interest you will uncontrovertedly carry the elections here '.[5]

The methods employed by the potentate were often high-handed. Soon after the Union there were allegations of Queensberry threatening recalcitrant electors with the loss of employment or pension and of faking-up charges against

[1] Cf. *ibid.*

[2] *Wyvill Papers*, vol. iii, Appendix, p. 234.

[3] See Porritt, vol. ii, p. 174. The very small total electorate in Scotland made the exercise of influence particularly easy.

[4] See G. W. T. Omond, *The Lord Advocates of Scotland* (2 vols., 1883). vol. i, pp. 319–65.

[5] *Portland MSS.*, vol. iv, p. 558.

hostile electors, so as to have them removed from the scene of action at the vital moment.[1] But the Scottish lord had a more potent instrument than bribery. The Heritable Jurisdictions Act did not abolish the loyalty of the clan to its chief; and the greater nobles, in their capacity as chieftains, could at any rate in the rural areas usually count upon the ready willingness of his followers to vote according to his wishes. To a very large extent the parliamentary representation of Scotland meant the parliamentary representation of its great families, especially as a large number of younger sons of peers figured among the forty-five members of the Lower House.[2] Thus aristocratic control of the constituencies existed in Scotland as it did in England, and followed the same methods, but it was even more extensive, being facilitated by the ancient tradition of the clansman's loyalty to his chief.

The independent voter had his chance, as in England, where there were two contending interests in the same borough or county, but such conflicting forces very often came to an accommodation, when they had influence in more than one part of the country, by balancing a concession in one by a gain in another.[3] Noble influence was strongest in the rural areas, as is only to be expected, but even important boroughs sometimes placed themselves unreservedly at the disposal of a magnate. Thus the city of Edinburgh from the time of the Union down to George III's accession was 'almost always firmly attached to the two Dukes of Argyll, in whom they found kind and powerful patrons', the city council being generally in their service.[4] Bute, while professing that he 'abhorred all election business', seems to have done a good deal of it, and to have exerted strong influence in many areas, both town and country.[5] In 1761

[1] *Somers Tracts*, vol. xii, pp. 627–8; Burnet, vol. ii, p. 519.

[2] See Porritt, vol. ii, p. 179. 'The names of territorial families recur with even greater frequency than those of the territorial families of England in the lists from English counties and boroughs.' See also Foster, *Members of Parliament for Scotland* (1882), pp. vii, viii.

[3] See, for instance, *Caldwell Papers*, vol. i, p. 245.

[4] See *ibid.*, vol. i, pp. 182–3.

[5] *Ibid.*, pp. 123–4. There are numerous references to Bute's elec-

he decided that the corporation of Ayr should have the privilege of returning Mr. Alexander Wedderburn to Parliament. The corporation did as it was told with charming deference. The Provost wrote to thank his lordship for the letter in which the instructions had been conveyed. It had given assurance of the Earl's regard for the town of Ayr, 'which was extremely agreeable to the whole members of the Council, who, being sensible his Lordship would recommend no person to represent this district in Parliament except one every way equal to the important Court, are ready to concur with his Lordship's proposal.' [1]

We have already seen that, despite Speaker Onslow's opinion to the contrary, the Septennial Act of 1716 facilitated the system of influence.[2] Another Act undoubtedly had this same effect. This was a measure of 1729 for the prevention of bribery and corruption, which received its generally accepted title of Last Determination Act from a clause inserted by the Lords, and agreed to by the Commons, that 'such votes shall be deemed to be legal which have been so declared by the last determination in the House of Commons '.[3] The adoption of this clause stereotyped the existing system in every constituency and safeguarded every existing interest, and it rendered borough-mongering a less expensive and harassing business than ever before.[4] In introducing their amendment the Lords had been mindful of their own interests. One substantial gain towards the purification of public life was achieved during the eighteenth century, the Grenville Act of 1774—it was made perpetual four years later —which transferred the right of trying controverted elections from the whole House of Commons to a select committee. Presumably because he thought that their control would be less subject to challenge under the new method, Horace Wal-

tioneering business in these papers, more particularly in 1761, when the Earl found himself immersed in such business in every county.

[1] To accept Mr. Alexander Wedderburn. *Ibid.*, pp. 133–4.

[2] *Supra*, p. 166.

[3] *L. J.*, vol. xxiii, pp. 416–17, May 5.

[4] Cf. E. and A. Porritt, vol. i, p. 10. 'What practically amounted to a Parliamentary title was given by this Act of 1729 to many of the borough owners; and it had an effect in delaying the reform, finally brought about by the Act of 1832, which it is hardly possible to exaggerate.'

pole found a danger in the Act, 'that it will add weight to the engrossing property of the Peers'.[1]

The whole art of 'parliamenteering' consisted in the two items of arranging for the nomination of your candidate and then securing his election. Whenever possible the patron chose as his nominee a son or near relative. The number of kinsmen of peers in the House of Commons in the eighteenth century was always high, and these scions of noble houses naturally reflected the interests and prejudices of their respective families. Hardwicke had as many as four sons in the House of Commons. The author of the pamphlet upon the art of parliamenteering already referred to was particularly opposed to the presence of sons of peers in the Lower House and argued that they ought to be specifically excluded.[2] The best way of maintaining the patron's influence in a borough was to make it a family preserve. Although he had to yield to harsh necessity in 1768, simply because there was no member of his family then available, as there always hitherto had been, Newcastle regarded it as a terrible reproach that any one not bearing the name of Pelham should be returned for Lewes.[3] If the patron had no relation or friend of his own to put in, he obliged the leaders of the party to which he happened to belong by accepting any one they suggested and made out of the transaction as good a financial bargain as possible, 'If', writes Earl Bathurst to John Robinson in March 1782, 'you will recommend a gentleman who is willing to pay handsomely, I will endeavour to get him chosen'—in West Looe.[4] A candidate able to take a large part of the expenses of the contest on his own shoulders was naturally in demand. But when negotiating with the Treasury the patron expected to be well rewarded for any accommodation either by the payment of a lump sum down

[1] Walpole, *Last Journals*, vol. i, p. 331.

[2] p. 24. Sanford and Townsend, writing as late as 1865, can state, 'In the most Radical borough in the most Radical County of England, the chance of the eldest son of a great landed proprietor is, *caeteris paribus*, better than that of any conceivable opponent, excepted a recognized statesman or an orator of the very first stamp.' *Governing Families*, pp. 6–7.

[3] *Newcastle Papers*, Add. MSS. 32930, f. 2.

[4] *Abergavenny MSS.*, p. 51.

or the reward of some office or employment. John Robinson's confidential papers are full of computations of the money equivalents of seats. Memoranda drawn up in view of the approaching general election of 1784 reckon Lord Falmouth's[1] three Cornish seats at £9,000, Lord Mount-Edgecumbe's six at £18,000, Lord Montagu's two at Midhurst at £4,000, and so on—the cost per seat ranging from £2,000 to £4,000.[2] The figure actually arranged was determined by bargaining between the borough-owner and the Treasury. At the time of the general election of 1774 we find George III writing to Lord North : ' Lord Falmouth[3] must be told in as polite terms as possible that I hope he will permit me to recommend to three of his six seats in Cornwall. The terms he expects are two thousand five hundred pounds a seat, to which I readily agree.' But it turned out that Lord Falmouth wanted guineas instead of pounds. This the King thought rather shabby, but, if he insisted, then he must have his way. Similarly it was proposed to pay Mount-Edgecumbe £12,500 for his boroughs, but the latter stood out for £15,000.[4]

The selection of the candidate having been made, the patron next recommended him to the constituency. Here is a sample of the Duke of Newcastle's style. He writes in March 1768 to the Bailiff, Jurats, Freemen, and Inhabitants of the town of Seaford :

' The Dissolution of the present Parliament being now very near, I take the liberty to Recommend to you your present members, my L[d] Gage, and Mr. Medley, To represent you in the next General Election. As you have always hitherto, during my whole Life, been so good as to pay a Regard for My Wishes and Inclinations, I have no doubt but you will be so good as to do it on the present occasion ; which will very much oblige,

Gentlemen,
Your old Affectionate Friend and obedient
Humble Servant,
HOLLES NEWCASTLE.' [5]

[1] Evelyn George, fourth viscount.

[2] *Robinson's Parliamentary Papers*, pp. 107–8.

[3] Hugh Boscawen, second viscount.

[4] *Letters to Lord North*, vol. ii, pp. 6–7 ; Robinson's *Parliamentary Papers*, p. 26. See also a letter from Sandwich to Robinson, also on p. 26, giving the financial terms on which he is ready to adopt a candidate.

[5] *Newcastle Papers*, Add. MSS. 32989, f. 3.

In this case what is wanted is simply the readoption of the sitting members. But there is the same tone of easy confidence when the acceptance of an entirely new and unknown nominee is in question. In March 1742 the Duke writes to the mayor and corporation of Boroughbridge, who have constantly shown regard for his wishes, to recommend a friend of his, Sir C. Bishop. He adds that Sir C. Bishop is unable in the meantime to visit the borough, but hopes soon to have the opportunity of doing so, in order to thank them for the favour he hopes to receive from them.[1]

On nomination day the patron keeps discreetly away, but his agent is very much to the fore. Newcastle sends the following instructions to his agent at Mansfield in 1753, when candidates are being adopted for the Nottinghamshire election : ' You will not say anything from Mee Till after Those Gentlemen [his nominees] are named by some other Person, that I may not have the Appearance of doing anything improper, which is the furthest from my Thoughts and Intentions.' It is worth noting that the proposer was a peer, the Duke of Kingston.[2]

The correspondence of the keen patron was very heavy at the time of a general election. Newcastle's letter-bag at such periods is full of reports from his various agents, of missives from tenants and other private individuals asking for directions how they should vote, and of requests, especially from Sussex, for bounty or preferment. The agents were of first-rate importance. Newcastle owed a great deal to his—to his Mr. Jessop, his Mr. Clay, his Mr. Mitchell, his Mr. Stone—especially Mr. Stone. Sir William Musgrave, acting in 1767 on behalf of the fourth Earl of Carlisle, then absent in Paris, thinks a great gain when he secures the assistance of the Duke of Northumberland's agent, who is the cleverest fellow in the whole district.[3]

The customary methods of soliciting votes in the eighteenth century are notorious. Hogarth's cartoons on the subject—especially his *Election Entertainment*—are a lurid caricature of prodigality which is but little exaggerated. The

[1] *Newcastle Papers*, Add. MSS. 32853, f. 135. [2] *Ibid.*, 32732, ff. 465, 548.
[3] *Carlisle MSS.*, p. 216.

voter expected unbridled conviviality at the expense of the candidates or of their patrons, and would not support any one who was backward in supplying plenty of breakfasts and dinners, and the means to deep potations. There is a famous story told of the so-called ' spendthrift ' election at Northampton in 1768. The Earl of Halifax, having exhausted his store of matured port wine, had recourse to his choicest claret. The rabble, to a man, turned up their noses at this and deserted *en masse* to the rival Earl of Northampton, declaring that they would never vote in the interest of a man who gave them sour port to drink.[1] Lord Wharton employed as his chief instrument in the election at Appleby in 1710 ' a tricking attorney, clerk of the peace and an ale-house keeper all in one '.[2] Large quantities of ale had always to be provided. Here is Mr. Clay writing to Newcastle from Nottingham in 1741. He is distressed at the state of his beer casks. He finds he has only a hogshead and a half, whereas it is customary to provide from two to three hogsheads to the town burgesses at election time.[3] Other kinds of entertainment are sometimes devised. For instance, Seaford is regaled with a cricket match, the players being given a feast of venison.[4]

There is a direct payment of money to voters in addition to hospitality—to some half a guinea,[5] to others two guineas —the customary amount to poor freemen (as we learn from the successful candidate at Retford in 1768), and more for those who have to be brought from a distance to record their votes.[6] Mr. Clay is sometimes anxious at the amount he has to disburse. The smaller fry among the burgesses of Nottingham are anxious to make as much money out of the election as possible. He plainly sees an immense sum will be spent, ' for I cannot walk the streets or even keep within my House but my pocket is pick't (as I call it).' He seldom gives more than a shilling at a time, but what with that and his expenses in public houses he is spending an alarming amount.[7] Newcastle took the keenest interest in the concerns of even the

[1] Grego, *Parliamentary Elections*, p. 227.
[2] *Portland MSS.*, vol. iv, p. 578.
[3] *Newcastle Papers*, Add. MSS. 32698, f. 225.
[4] *Ibid.*, 33713, ff. 24–5.
[5] *Ibid.*, f. 5.
[6] *Ibid.*, 32989, f. 218.
[7] *Ibid.*, 32733, f. 619.

humblest of voters. It is evident that the most trivial details concerning the smallest shopkeepers in Seaford seem to him of importance.[1] He expects to be provided by his agents with full particulars regarding the personal idiosyncrasies of all voters and their needs, and if those needs can be supplied, he does not count the cost. Matters of preferment were always intimately connected with electioneering. The Deanery of Wells is essential to Lord Digby's interest: so can his relative, William Digby, be made Dean? [2] In order to maintain the Duke of Richmond's interest in the borough of Chichester, Henry Pelham, when head of Administration, agreed that all places in his gift relating to Chichester should be invariably given to persons recommended by the Duke. After Pelham's death, Richmond wrote to Newcastle, asking him to continue this arrangement. It is absolutely necessary that he should have 'the sole nomination to the places depending on the Custom house and Treasury at Chichester'. If he can assure his friends that the arrangement will be continued, all will then be easy.[3] The smallest office-holders were of importance. An old freeman of Morpeth held some trivial post under General Monckton, governor of Berwick. Musgrave, who, as we have seen, was doing the Earl of Carlisle's electioneering business for him in 1767, thought it well worth while, in order to make sure of the old gentleman's vote, to approach General Monckton and obtain a promise that the veteran should be continued in his employment as long as he lived.[4]

There were other more reprehensible methods of maintaining influence. It was regarded as a remarkable event when a tenant voted against his landlord,[5] and some peers had the reputation of maintaining their interest rather by oppression than by favour.[6] The bad Earl of Lonsdale was particularly notorious for his bullying methods. When his help is solicited for any candidate standing for a constituency where he had property, Newcastle will at once send orders

[1] *Newcastle Papers*, Add. MSS. 32929, ff. 52–3. [2] *Ibid.*, 34713, f. 115.
[3] *Ibid.*, 32687, ff. 244–5. [4] *Carlisle MSS.*, pp. 216–17.
[5] Cf. *Wyvill Papers*, vol. ii, p. 81.
[6] See, e.g., allegations concerning the Duke of Bolton, *Portland MSS.*, vol. iv, p. 599.

to his tenants to vote for his friend. If the tenant does not do as he is bid there is likely to be trouble. Here is Mr. Clay reporting from Nottingham that three or four of his Grace's tenants in that town will not promise to vote for the Duke's candidate, Lord Howe. Shall he give them notice to quit this term ? [1] The Duke's answer is not extant, but there is little doubt what it would be, judging from what happened at Lewes in 1768 when the Duke's candidate was defeated. Newcastle was terribly hurt ; intensely wroth. The tenants who had voted for Colonel Hay, the successful candidate, were given notice to quit at Michaelmas. The constables at Lewes were informed that his Grace withdrew his interest from the town, that he would no longer contribute to their entertainments, as he had been accustomed to do, that plate which they had on loan from him for use on ceremonial occasions was to be returned. He would refrain from his usual endeavours to have the assizes fixed at Lewes. All tradesmen who had dared to vote against him were forthwith to lose his custom.[2] If there were rewards for compliance ; there was the risk of incurring severe penalties in case of disobedience.

In addition to bringing his own influence to bear upon the electors, generally through his local agent, the energetic patron did all he could to procure the influence of all other powerful personages whose intervention might be of service. Neighbouring peers of the same political persuasion were always appealed to for assistance ; Newcastle made special use of the bishops and higher clergy, who owed their appointments to him.[3] Any sort of assistance which might be of use was employed. When Mr. Mitchell, the Duke's candidate against Hay, was finding difficulty from the opposition of the Dissenters in Lewes, it was arranged that influential London

Newcastle Papers, Add. MSS. 32733, f. 619.

[2] Colonel Hay had originally been adopted by Newcastle. On the eve of the election the Duke suddenly disowned him and took Mitchell instead. Hay refused to withdraw, and having already made considerable headway in the borough, won the day. There are many interesting letters relating to the contest in Add. MSS. 32989, ff. 1–264 *passim*.

[3] See B. Williams on the election of 1734. *E. H. R.*, vol. xii, pp. 467–70.

Nonconformists should write a letter to their co-religionists in Lewes, pointing out to them the error of their ways.[1]

Once in Parliament the patron's nominee was expected to be docile. As a general rule he was quite content to remain so. He and the magnate in whose interest he sat trod the same road towards preferment, and deference to the latter's wishes during the session was his best security for the tenure of his seat afterwards. Independence was likely to involve the loss of the seat. In 1775 Newcastle ordered a relative of his, Colonel Pelham, member for Hastings, to attend a disputed election case in the House of Commons. The Colonel did not do so and excused himself on the ground of ill health. Newcastle did not believe in the genuineness of this. He wrote: 'I am convinced that it was not your age or infirmities that occasioned your absence; but some attachment separate from and independent of me. Since that is the case I should advise you for your own sake as well as mine, to quit your seat in Parliament, that I may choose one at Hastings upon whom I may entirely depend.'[2] Charles Fox once in the House of Commons denounced the relationship between patron and nominee in vigorous language.

'There is one class of constituents whose instructions it is considered the implicit duty of members to obey. When gentlemen represent populous towns and cities, then it is considered a disputed point whether they ought to obey their voice, or follow the dictates of their own conscience. But if they represent a noble lord or a noble duke, then it becomes no longer a question of doubt, and he is not considered a man of honour who does not implicitly obey the orders of a single constituent. He is to have no conscience, no liberty, no discretion of his own. He is sent here by Lord This, or the Duke of That; and if he does not obey the instructions he receives, he is not to be considered as a man of honour or a gentleman.'[3]

The explanation of this point of view is quite simple. The patron, who had gone to a vast deal of trouble and expense

[1] Add. MSS. 32989, ff. 139, 141.

[2] See Torrens, *History of Cabinets*, vol. ii, p. 207. Also on this subject generally Porritt, vol. i, pp. 315–20.

[3] *P. H.*, vol. xxxiii, pp. 728–9.

on behalf of a member, expected a tangible return for his efforts, and regarded the nominee who accepted his favours as under a moral obligation to requite him by faithful service.

The game of electioneering was not all joy. Even for the most powerful there was the risk of failure. As we have seen, Newcastle himself sustained a heartbreaking defeat even in the greatly favoured town of Lewes. On another awful occasion the Duke's two nephews played 'the most ungrateful and most wicked Part' of joining the rival Manners interest against him at Newark, and bringing in a member, 'without even having the civility to mention it' to their uncle.[1] But, apart from the failures, there were many harassing election contests, when things went far from smoothly. There was Lord Howe's difficult candidature in Nottinghamshire, to which Mr. Clay gave such indefatigable attention, but which was very worrying owing to the opposition of Lord Middleton. There was the troublesome candidature of a Mr. Medley, who insisted on standing for Seaford in 1767, though he was inclined to be actually independent and the Duke certainly did not want him. In the end a bargain had to be struck, Medley agreeing to write his Grace a formal letter saying that 'I should never have asked for your interest at Seaford, if I had not had that disposition towards your Grace, which might entitle me to that favour'.[2] That was satisfactory so far as it went, but Newcastle in his hey-day had been accustomed to get far more. His election troubles belong, as one would expect, almost entirely to his declining years after the blow of 1761. It is probable that despite his proneness to agitation and despair, the old man really enjoyed the ups and downs of electioneering, even when his great days were over. Still, the business was apt to be rather exhausting. And it must be remembered that even the borough proprietor had to work in order to maintain his position. Few boroughs were at the absolute control of their owners, year in year out, needing no attention. There was nearly always the possibility of an interloper appearing—of a powerful neigh-

[1] *Newcastle Papers*, Add. MSS. 32986, ff. 1, 7, 38–9, 80.
[2] *Ibid.*, 32986, ff. 44, 52, 66, 114, 179, 267.

bouring magnate encroaching, or of an Indian nabob, with vast wealth at his disposal, making an inroad.[1] There were parts of the country where influence had to contend with independence. It is noted of Dorsetshire that the squirearchy were so powerful that they could resist the influence of the peers.[2] In Northumberland the balance between aristocracy and independence was even. The Duke could always be sure of returning one member; he could not manage to return the other.[3] Where there was a contest between rival noble influences in a single constituency anything might happen. A battle royal between contending magnates obviously gave a special opportunity both to the venal and to the independent voter.

There were other possible inconveniences. When popular feeling ran high, even the sacred persons of the peers of the realm were not always secure from violence at election times. We read of the Dukes of Somerset and Bolton receiving 'strange insults' in Salisbury in 1705, and of the third Duke of Devonshire being attacked in the streets of Exeter to the peril of his life.[4] For all patrons there was the drawback that the business of electioneering was expensive, and tended to grow more and more so, as the century progressed, until about 1770 the pace became almost ruinous, owing to the entrance upon the electioneering stage of the Indian nabobs,[5] and of merchant princes, who could outbid all save the wealthiest of the peers. Already by 1767 Chesterfield, wanting to find a secure seat for his son, had found that this new competition had forced up the price to over £3,000, even to £5,000.[6] Newcastle had an income of £50,000, but he was greatly embarrassed by his expenditure in the constituencies and usually in debt.[7]

[1] Cf. E. Halévy, *Histoire du Peuple anglais au XIX^e Siècle* (in progress, Paris, first vol. 1912), vol. i, pp. 137–8.

[2] Oldfield, *Representative History*, vol. iii, pp. 344–5.

[3] *Ibid.*, vol. iv, p. 301.

[4] See *Portland MSS.*, vol. iv, pp. 213, 270; Porritt, vol. i, p. 76.

[5] Clive was able to secure the return of as many as five members in his interest.

[6] *Letters*, vol. iii, p. 1370.

[7] Shelburne has some interesting remarks on the constant financial drain of borough-ownership—its 'insensible perspiration'. See Fitzmaurice, vol. ii, pp. 361–6, esp. 362.

Why did people put themselves to such trouble and expense as electioneering involved ? There is no doubt that the motives of many of the commoners who did so was the desire for a peerage, by the conferment of which eighteenth-century Governments were wont at times to reward the services of the loyal borough-monger.[1] By dangling a peerage before the covetous eye of a wealthy and intriguing squire, an Administration could make sure of keeping his influence at its disposal. The desire to become a lord was sometimes quite devastating in its effects. Henry Fox admits that it was ' an honour I had long and indeed beyond measure been ambitious to obtain for my family '.[2] When he had obtained his barony, he was not content : with equal ardour he yearned for an earldom. With the strangest mixture of abject grovelling and barefaced presumption he wrote to George III asking to be created Earl of Rochester. No reply was vouchsafed to this appeal.[3] George III in his earlier days was as reluctant to confer new titles as in later years he was ready to do so. The desperate yearning of Fox for a patent of nobility was far from unique. Mr. Bubb, the apothecary's son, had it too. With his influence at Bridgwater, secure till 1754, his four certain seats at Weymouth and Melcombe Regis, and his interest in the counties of Sussex and Dorset, Bubb had something substantial to offer. His interests in politics were purely mercenary—he had no principles and his attendances in Parliament were few and perfunctory—all he wanted was money and a peerage ; he succeeded in getting both.[4] It is only towards the end of

[1] See Porritt, vol. i, pp. 333–4.

[2] Ilchester, *Henry Fox*, vol. ii, p. 119.

[3] *Ibid.*, pp. 315–16.

[4] See Ll. Sanders, *Bubb Dodington*, pp. 58–9 ; also Sir C. Hanbury Williams, *Works*, vol. i, pp. 21–5, wherein Bubb's ambitions are satirized, especially in *A Grub upon Bubb*:

Oh, Damer, Tucker, Raymond, Steward
To Eastbury all welcome ;
Two of you shall for Weymouth serve
And two shall serve for Melcomb.

One half of Winchelsea is mine,
And so 's Bridgwater too ;
Poole, as you know, my wash-pot is,
O'er Wells I cast my shoe.

our period that the selling of peerages can be said to have begun to develop into a practice. Peerages were given, for his seven Cornish seats, to Mr. Eliot, for his great electoral influence in North-west England to Sir James Lowther, the notorious Earl of Lonsdale. The Vanes, owners of Truro and Camelford, were advanced from the barony of Barnard right up the scale to the dukedom of Cleveland. In 1782 Horne Tooke seriously proposed as a means towards parliamentary reform that borough-owners should be induced to part with their ' properties ' by receiving compensation in the shape of a peerage.

' Let every man who has a borough be made a peer, and if he has more than one, let him nominate a friend or friends. He would be glad of the exchange and the people would be equally so ; because they would care but little how many peers were made ; but would care very much for the money to be taken out of their pockets ; and there would be no injustice in the case ; because those who did not choose to be lords of Parliament, might be permitted to sell their seats to such as did.' [1]

With patrons who were already peers, the motives might still be mercenary. Skilfully managed, the electioneering game could be made to show a balance on the credit side. Those who made a profit were those whose only object was mercenary. Those who lost money were aiming at higher game—at political power. Eighteenth-century patrons may indeed be divided into two categories. There were, first, those who were not primarily politicians, but simply used their lucrative property in order to drive a trade with the Treasury ; there were, secondly, those who aspired to govern the country, who often *were* the Treasury, who utilized their own local influence and bought that of others in order to build up a controlling, and if possible an impregnable, position for themselves. It was the latter class that erected that great fabric, the Whig oligarchy, which dominated England under the first two Georges. When the great landowners with their enormous private patronage obtained undisputed control of the royal patronage in addition to their

[1] Quoted in Porritt, vol. i, pp. 331–2.

own, they were the supreme power in the land. It is essential, in reading the Duke of Newcastle's papers, to keep in mind his two different capacities—the personal and the official, and his two different sources of authority—his broad acres and his position for so many years as First Lord of the Treasury. It is necessary to remember this distinction, but it is perhaps equally important to note that it is not always easy to draw the distinction. When the boroughs of Oxford and Harwich explain in 1761 that they are zealous to serve the Duke of Newcastle, 'out of particular Regard to his Grace, as well as on account of his being at the head of the Treasury',[1] they are simply being polite: but incidentally they draw attention to the important fact that the Duke's dual personality was really indivisible. The great man's innumerable and incessant petitioners did not concern themselves as to whether the bounty which they trusted he would bestow upon them came from the vast stores of his ducal or of his official patronage. It was sometimes convenient for his Grace to draw from the one, sometimes from the other. In short, the Duke and the First Lord of the Treasury worked in the closest conjunction. As a territorial magnate, Newcastle secured the return of many members to the advantage of the Government; as head of the Government he had special facilities for rewarding his obedient tenants and his complacent friends.[2] The significant fact is that had he not been a territorial magnate, he would never have become First Lord of the Treasury. His importance in history lies in the fact that a peer—not indeed of contemptible parts, but certainly of only moderate talents—

[1] *Newcastle Papers*, Add. MSS. 32919, ff. 322–3. Among the most piteous appeals are one from Arthur Collins, the originator of the peerage of that name, who tells the Duke that if he is allowed to die of starvation 'Posterity will think very hard of your Grace' (Add. MSS. 32713, f. 217), and another which brings distressed circumstances, 'which realy do merit some consideration', to the Duke's notice. 'My Lord! There is a season advancing in which—as in several *Precedent*—I am advis'd there is *yet, one, only*, mean, a long course of Bath Waters. It is realy, a sad Reflection! my Lord, that tho' there is such a Possibility in *Nature*, it is *morally* impossible to me!' Add. MSS. 32852, ff. 281–2.

[2] B. Williams, *Life of Chatham*, vol. i, pp. 62–3. 'In later years even Pitt was constrained to admit that with Newcastle against him little was to be done either in or out of Parliament.'

became the greatest power in the country because of his vast electoral influence.

The electioneering activities of the peers may seem to be at best a sordid business, but we shall form a very false impression of them unless we remember that under any system of representative government there is bound to be an electoral machine. The party organization of to-day has much more in common with that of the eighteenth century than can be recognized at a casual glance. Bribery still exists though in different forms. The attempt to win votes by promising the relief of local grievances or the advancement of local interests is a form of bribery. Even to-day constituencies do not always select their candidates themselves; the party organization finds and allocates the candidates just as much to-day as the territorial magnates did two centuries ago. It is indeed probable that constituencies were more often represented by men with local interests and connexions then than now. For the territorial magnate usually had a genuine solicitude for his own neighbourhood, and selected for its representation men who shared that solicitude.

Other points can be made in favour of the old corrupt system. It is certainly true that a number of the most remarkable statesmen of this and the following century began their careers as members for rotten boroughs. There is no necessary cause and effect, but it is possible that patrons picked out young men of promise who, through inexperience, might have failed to win the suffrages of an independent electorate, and that they enjoyed a longer parliamentary experience than would have been possible under the conditions of a reformed Parliament.[1] More important is the fact that the whole elaborate organization of aristocratic control did not choke public opinion, or prevent that force from making itself clearly felt whenever the people were really roused by an important issue. It was truly said of mid-Victorian days—and the remark applies with even greater aptness to the eighteenth century—'England is governed in times of excitement by its people,

[1] See Porritt, vol. i, p. 313.

in quiet times by its property.'[1] Only occasionally—as for example over the Sacheverell case and Walpole's excise scheme—was popular feeling genuinely stirred during this period. On such occasions, it may be correct to say, 'the wishes of the country made themselves felt at Westminster as effectively as under the most democratic form of government'.[2] The questions at issue at most general elections were of a kind which interested few save the professional politicians who managed the electoral machine; they did not appeal to the general community. It may also be maintained that although there are, as we have seen, some ugly instances of intimidation, still as a rule aristocratic influence was distinctly benevolent—that the picture presented by the electioneering career of Newcastle and the majority of the other peers, who concerned themselves actively in the constituencies, is by no means disagreeable. The electioneer came to have a most intimate knowledge of his neighbourhood. The magnate often appears in quite a fatherly or patriarchal light, only anxious to please and to be pleased. Of course those who hate any manifestation of a semi-feudal state of society, based upon the acceptance of rigid class-distinctions, will find nothing attractive about the frank *bonhomie* of 'Tom Wharton' or the gracious condescensions of his Grace of Newcastle. But such friendliness, even when it had an obvious political object, was valued and was valuable in its own day.[3] Lastly, it is true that the House of Commons, brought together by the means current in the eighteenth century, was representative—not indeed of the people, but of the ruling, the politically con-

[1] Sanford and Townsend, *Governing Families*, vol. i, p. 1.

[2] B. Williams in *E. H. R.*, vol. xii, p. 449. 'The real effect of corruption in Parliament and in the constituencies was to make easy the ordinary routine of government in non-essential questions and to confirm in office a particular set of men to carry on the administration.' Cf. Porritt, vol. i, p. 281.

[3] Cf. J. Beresford, *The Diary of a Country Parson* (Oxford, 1924), pp. 30–1. 'It is not the existence of class, but the consciousness of its existence, which creates that most insidious disease—snobbery. . . . It is, indeed, a remarkable paradox that the unquestioned acceptance of inequality should lead to fraternity.' Mr. Beresford is discussing an instance of the fraternization of classes in 1763.

scious class. It reflected the realities of the political situation.[1] When it ceased to do so and the politically conscious class began to widen, the death-knell of the unreformed House of Commons began to sound.

The peers, as a whole, were strongly opposed to reform. A reformed House of Commons would no longer be largely controlled by them. There are certainly a few notable peers who supported the reform movement even in its earliest days—Richmond (but he recanted),[2] Abingdon, Effingham, and one or two others. Rockingham, the champion of economical reform, who had strongly sympathized with the great Yorkshire petition and the formation of the county associations in 1780, would not go so far as to support a movement for a thorough reform of Parliament.[3] Some of the reformers thought a union with the nobility very desirable, both for the sake of the cause and for the nobility's sake. 'It would be a grave danger', wrote Wyvill, 'should the Nobles, whether in opposition to the Crown, or in its confidence, continue inseparably united in support of the present depraved Legislature.'[4] But the average peer was suspicious of a crusade which seemed to be allied with a jealousy of the aristocracy. Sir George Savile, leader of the York petitioners, was of opinion that the aristocracy 'ought always . . . to be an object of jealousy, when the game is between it and the People'.[5] The instinct was justified. In a reformed Parliament individual peers might be as powerful as any of their predecessors had ever been, but the collective influence of the peerage could never be the same again.

[1] Cf. *Parliamentary Papers of J. Robinson*, Introduction, p. ix.

[2] See G. S. Veitch, *The Genesis of Parliamentary Reform*, p. 70 *n.*

[3] *Ibid.*, p. 66.

[4] *Wyvill Papers*, vol. iii, Appendix, pp. 95–6.

[5] *Ibid.*, p. 307. Bentham argued that a duke could never be independent, however much he might wish to be so, because he had to satisfy his own dependants, was made 'dependant by his dependants'. *Plan of Parliamentary Reform* (1817), p. xxi.

CHAPTER XVIII

CONCLUSION

THE history of the House of Lords during the eighty years discussed in this volume divides into three unequal periods. The first is covered by the reign of Anne, the second by those of the first two Georges ; the third runs from 1760 to 1783.

The first period has much in common with that of William III. In both cases there is, as a rule, a large and strident majority for one party of the other in the Lower House, while in the Upper House parties are evenly balanced. The triumphant party in the Commons is apt to find itself baulked either by insufficiency of strength on the part of its own representatives there to enable it to carry the day or by the resistance of an Opposition possessing a small majority. The result is that the party struggle is complicated by a struggle between the Chambers in the reign of Anne as it had been in that of her predecessors. In the early part of the reign the High Church schemes of the Tories in the Commons were persistently thwarted by the Peers, and the Chambers' dislike for one another exacerbated the constitutional disputes relating to the Aylesbury election. When after the great Tory victory at the polls following upon the Sacheverell case, the Administration concluded terms of peace with France, it found that the small Whig majority in the Upper House was quite large enough to be a nuisance to it in carrying the ratification of its treaties. The celebrated creation of the twelve Tory peers was the result. But this measure—much as it shocked contemporaries—was not sufficiently drastic to effect a decisive change in the Lords, and the Whig peers, especially after Nottingham's desertion to their ranks, were able to keep up a vigorous and embarrassing attack upon the Government.

The situation changes radically with the accession of the House of Hanover. We pass at once to the era of the great

Whig oligarchy ; the House of Lords becomes a stronghold of Whiggism, and, apart from one important occasion, there is no more antagonism between the Chambers. The suspicion that the Tories were Jacobites, engendered by the equivocal proceedings of Bolingbroke in 1714, apparently confirmed by the events of 1715, and deliberately fostered by the great Whig leaders, who had succeeded in ingratiating themselves with the Electoral Court before the death of Anne, did an immense disservice to Toryism for a couple of generations. Prominent Jacobites were proscribed : others who submitted to the new succession under protest withdrew from public life to their homes in the country ; the moderate Tories, the Hanoverian or ' whimsical ' members of the party under Anne, for the most part became known as Whigs. If they themselves did not, their descendants did. ' In the eighteenth century ', it has been said, ' every one at some time was tempted to call himself a Whig.' [1] Thus the parliamentary contest develops into one between Whigs in place and Whigs out of place.

The magnates of the country early perceived and early seized the opportunity which the accession of a foreign, docile, non-English speaking, royal house upon the throne afforded them. The first George was not as William of Orange had been—a great man in the eyes of all Europe before he secured the English crown, great by force of personality as well as by force of circumstances. Disliking England, anxious to spend as much of his time in Hanover as possible, interested in continental affairs which seldom seemed to ordinary Englishmen to concern the country (as, speaking generally, they had recognized that the ambitions of Louis XIV very clearly did), the new King was quite willing to allow the English aristocracy to control the country. William III had complained that he was allowed no more power than a Doge of Venice ; but he had exercised a great deal more. On the other hand (to use the words of Disraeli), ' Unsupported by the mass of the people, ignorant of our language, phlegmatic in temperament, George the First entirely depended upon the Whig Peers, and the Whig

[1] Veitch, *The Genesis of Parliamentary Reform*, pp. 89–90.

Peers resolved to compensate themselves for the disappointment they had experienced under William the Third.' [1] At last their lordships reaped the full benefit of the Revolution Settlement!

By means of their great territorial interest, assisted by the Septennial Act, they were able to maintain a commanding influence over the House of Commons. When the ruling faction in the House of Lords endeavoured to improve its position still further, by stereotyping the existing composition of the Chamber, it met with a set-back. Encouraged by the energy of by far its most powerful member, Sir Robert Walpole, a somewhat invertebrate House of Commons refused to sanction the Peerage Bill of 1719. But thereafter a state of harmony existed between the Houses. There was a tacit understanding between them. The House of Commons, under Walpole, was distinguished by the fact that never before had a first Minister remained throughout his term of office a member of that Chamber. From his day onwards the House of Commons is the more prominent House. The Georges recognized this. George II used to refer to that 'damned House of Commons'. Chesterfield says: 'As avarice was his ruling passion, he feared, hated, and courted, that money-giving part of the legislature.' [2] It is clear from his correspondence with North that George III kept a close eye upon the proceedings of the Commons. The Lower House became more powerful, more authoritative—but it was not emancipated. Its enhanced position was maintained on certain conditions, by a compromise with the House of Lords. The Peers did not object to the increased consequence and prestige of the Lower House, so long as they could retain an effective hold upon its composition.[3] It is true that the growing strength of the moneyed class

[1] B. Disraeli, *Whigs and Whiggism* (ed. W. Hutcheon, 1913), pp. 208–9.

[2] *Letters*, vol. iii, p. 1403.

[3] Cf. G. M. Trevelyan, *British History in the Nineteenth Century* (1922), p. 14. 'The system was an abuse, but it had its historical meaning, and its relation to reality. For it must always be remembered that without the acquiescence of the landed aristocracy the powers formerly enjoyed by the Crown would not have been allowed to remain in the hands of the House of Commons. . . . The landlord class, in return for supporting the supremacy of the Lower House, obtained the right of nominating most of its members.'

and the appearance of the ' nabob ' as a factor in the constituencies threatened the landowners' entrenchments, but at the end of our period the latter were still holding their commanding position. Rural England, where the strength of the landlord aristocracy lay, predominated in both Houses of the Legislature. There is an interesting contemporary analysis of the composition of the Commons' Chamber in 1740. It consists of 63 officers in the navy or army, 36 merchants, 10 planters, 36 practising lawyers, and 314 country gentlemen.[1] This House of Commons was preponderatingly Whig. In February of the following year Walpole was able to defeat the most dangerous attack made by the Opposition party in it by the overwhelming majority of 290 to 106 ; yet its composition would seem to suggest the truth of Bolingbroke's famous dictum that the landed men were the true owners of the political vessel, the moneyed men being only passengers. It is true that there existed a certain animosity between the peers and the squirearchy, but the squire's jealousy of his more powerful neighbour was not a sentiment strong enough to have political significance, and there was a fundamental community of interest between them—that of the land. So long as the country remained mainly agricultural, the influence of the great landowning peers was bound to remain a great power behind, and in, the House of Commons. We know that peers, not content with securing the return of candidates in their interest to the House of Commons, would sometimes attend debates of the House of Commons, in order to canvass members for their votes in important divisions, and that they would remain concealed in the Chamber during those divisions.[2] The ascendancy of that great commoner, Sir Robert Walpole, gave great prestige to the Chamber of which he was a member, but he could not have achieved that ascendancy without an intimate understanding with the great titled landowners of his party. The squire needed the helping hand of the peer.

The influence of the eighteenth-century peer is less significant in the House of Lords than in the constituencies and in the Cabinet. Few and far between are the names of

[1] *Hardwicke Papers*, Add. MSS. 35876, f. 1. [2] See *supra*, p. 16.

commoners in the Cabinets of the eighteenth century. Indeed, the members of the Cabinet are customarily referred to as ' the *Lords* of the Cabinet Council '.[1] Often the only Minister of first-rate importance who is not a peer is the Chancellor of the Exchequer. A virtual monopoly of the chief places in Administration was still regarded as the prerogative of the peerage. In Pelham's Administration there were five dukes. He himself was not one, but he belonged to a ducal family. Sometimes the leader—Walpole, Pelham, Grenville—is in the House of Commons, and it is recognized that even when he is in the Upper House, there must be a strong and efficient lieutenant to represent the Government in the Lower House ; but the great majority of the mouthpieces of every Government continue to be in the House of Peers. The significance of the eighteenth-century House of Lords cannot be appreciated by keeping one's attention fixed solely upon the proceedings in the Chamber, as they are recorded in the *Journals* and in the *Parliamentary History*. The House was the legislative organ of the men who governed the country by their control of the electoral machinery of the House of Commons and by their domination of the Cabinet and of the departments of Administration.[2]

Thus the political history of England, so far as domestic affairs go, is very largely that of the quarrels and alliances of various aristocratic factions or family connexions. The names Whig and Tory are quite misleading in explanation of the party conflicts of the period. The key to them is in the relationship of groups—of Pelhams, Bedfords, Grenvilles, Rockinghams, and the rest—and the story can hardly be

[1] See Sir W. Anson's article on the Cabinets of the seventeenth and eighteenth centuries in *E. H. R.*, vol. xxix, pp. 68, 72, 73 ; e.g. the phraseology used by Newcastle in his memoranda of Cabinet meetings sent to the King is : ' Their Lordships are humbly of opinion.' Hardwicke describes the inner Cabinet as ' a meeting of such of the Lords as are usually consulted on secret affairs '.

[2] Cf. Rosebery's *Chatham : His Early Life and Connections*, p. 264. ' In those days an industrious Duke or even one like Grafton, who was not industrious, could have almost what he chose. . . . The Peers lived, as it were, in the steward's room, and the commoners in the servants' hall ; in some parlour, high above all, sat the King.'

understood without reference to the genealogical trees of the peerages. They had special influence over the foreign policy of the country. They had better knowledge of foreign countries than any other class ; they had greater command of foreign languages. Diplomacy was their domain.[1] How great was their general social and cultural influence has already been shown. Their hand was seen everywhere. There is a delightful sidelight upon a great lord's power over the universities in a request once made by the Duke of Newcastle to the Vice-Chancellor. He wrote to say that his friend Lord Hertford would like to have a certain ' very ingenious young man ', Mr. Davies, elected to the Craven Scholarship. The Vice-Chancellor had to point out that there was an examination for the Craven Scholarship, but he undertook to do his best, and Mr. Davies was duly elected, the examination having proved apparently that Mr. Davies's attainments were not *inferior* to those of the other five candidates.[2]

The rule of the great Whig oligarchy has had its champions. Indeed, as Disraeli says, ' that Venetian polity . . . has ever been the secret object of Whig envy and Whig admiration '. The Venetian polity had been the admiration also of James Harrington, and the principles of his *Oceana*, it is worth noting, are founded on a mixture of feudal ideas with a physiocratic conception of land as the only source of wealth. The Venetian constitution, according to Harrington, came nearest to the ideal system, to ' the Equal commonwealth ', in which the political power was the exact reflex of property. He lays great stress on the necessity of a nobility—contrasting them with the mechanics, who

> ' till they have first feather'd their own nests, . . . are so busy in their privat concernments, that they have neither leisure to study the public, nor are safely to be trusted with it, because a man is not faithfully imbark'd in this kind of ship, if he has no share in the freight. But if his share be such as to give him leisure by his

[1] Cf. E. S. Roscoe, *The English Scene in the Eighteenth Century* (1912), pp. 133, 139.

[2] D. A. Winstanley, *The University of Cambridge in the Eighteenth Century* (Cambridge, 1922), pp. 12–14.

privat advantage to reflect upon that of the public, what other name is there for this sort of men, being *à leur aise* but (as Machiavel you see calls them) NOBILITY, especially when their Familys can be such as are noted for their service done to the Commonwealth, and so take into their Ancient Riches antient Virtues, which is the second definition of Nobility, but such a one as is scarce possible in nature without the former.' [1]

The language used by Burke of the great Revolution families has just the same ring as Harrington's. Writing to the Duke of Richmond in 1772, he thus apostrophizes the landed aristocracy.

'You people of great families and hereditary trusts and fortunes, are not like such as I am, who, whatever we may be by the rapidity of our growth, . . . yet still we are but annual plants that perish with the season, and leave no sort of trace behind us. You, if you are what you ought to be, are in my eye the great oaks that shade a country, and perpetuate your benefits from generation to generation. The immediate power of a Duke of Richmond, or a Marquis of Rockingham, is not so much of moment; but if their conduct and example hand down their principles to their successors, then their houses become the public repositories and office of record for the constitution.' [2]

He speaks in the same strain in *Thoughts on the Cause of the Present Discontents*, when contrasting the followers of Pitt with the Rockinghams.

'The power of that gentleman was vast and merited; but it was in a great degree personal, and therefore transient. Theirs was rooted in the country. For, with a good deal less popularity they possessed a far more natural and fixed influence. Long possession of government; vast property; obligations of favours given and received; connexion of office; ties of blood; of alliance, of friendship (things at that time supposed of some force); the name of Whig, dear to the majority of the people; the zeal early begun and steadily continued to the royal family.' [3]

[1] *The Oceana of James Harrington and his Other Works*, ed. J. Toland (1700), p. 55. [2] *Burke's Correspondence*, vol. i, pp. 381–2.

[3] *Works*, vol. i, pp. 318–19. Cf. *Corr.*, vol. i, pp. 294–5, a characteristic passage. 'No wise King of Great Britain would think it for his credit to let it go abroad that he considered himself, or was considered by others as personally at variance with a Lord Rockingham, a Duke of Richmond, a Duke of Portland, an Earl of D——, the families of the Cavendishes.

Burke is just as convinced as Harrington that the ideal polity is aristocratic, that the best government is that which is carried on by those who by reason of their property and length of connexion with the nation's history, have a patriotic interest rooted deep in the country's soil. Inheritors of past tradition, they keep alive the essential spirit of the race; they transmit from generation to generation principles which become a part of their 'vital stamina'. The patrician families are the living memory of the past, the life-blood of the present, the inspiration of the future. For Burke the ideal was actually realized in the great Whig houses, the Cavendishes, the Bentincks, the Lennoxes—in fact in the lineage of the Venetian oligarchy, which Disraeli so eloquently denounced.

If Disraeli disliked the Whig patricians, he joined in Burke's enthusiasm for patrician government, and for many of its characteristic features in the eighteenth century. 'A House of Lords', he says, 'must consist of men whose influence is not merely in their Chamber of Parliament. . . . Their names, office and character, and the ennobling achievements of their order, must be blended with our history and bound up with our hereditary sentiment.' He is clear as to the great value to the nation of the 'vast property' of its titled landowners, and of 'the complicated duties which great possessions entail upon their owners, the inspiring traditions of a heroic history, the legendary respect of ages'.[1]

The patrician families certainly possessed the inherited instinct of control and tradition of government. It has been aptly said: 'Seymours or Percies, Russells or Herberts, expect to be great next century as now, plan for next century as this, reckon immediate advantage light when compared with the great objects, the permanent grandeur, rank and power which they desire England to hold, because with the greatness of England their own is indissolubly bound up.'[2] The force of this remark has no doubt been considerably weakened in the sixty years since it was written, but it certainly holds good as regards the eighteenth-

[1] *Whigs and Whiggism*, p. 203.

[2] Sanford and Townsend, *Governing Families*, vol. i, p. 16.

century peerage. With generations of experience behind them of Courts and Council Chambers, they moved along the pathway of political life with ease and confidence ; they could indeed regard England with the owner's pride and joy in possession, for in a quite liberal sense it largely belonged to them ; connected with each other by ties of marriage and kinship, they formed a solid phalanx, but little weakened between 1714 and 1760 by their personal and party rivalries. The individual's consequence was out of all proportion to the intrinsic value of his character or attainments. If the duke was not great, his dukedom was.[1] If the dignity was often far too great for its possessor, there are certainly instances where it raised a man of mediocre character to a sense of the duties and obligations of citizenship and his own very special duties and obligations, so that the country benefited. Under the rule of such men,

' order, symmetry and dignity, balance in all its parts, which had been violated and destroyed by the Stuarts, were again restored to the state. Security and freedom were maintained at the price of some severity, but never at the cost of justice ; and consequently the waves of Revolution in after years beat upon our shores without breaking in upon the national tranquillity or disturbing the national development.' [2]

If all this be accepted, it has, on the other hand, to be allowed that the oligarchic system was only suited to a static condition of politics and society ; that the peers were more prone to plume themselves over their past services to the nation in the Revolution of 1689 than to gird up their loins in order to make a further advance. Their régime was safe, but it was not inspiring ; if it was not entirely selfish, it was very limited in vision. Moreover, for the evils of an arrogant House of Commons, which thought more of its own privileges than of the rights of the electorate, and which, as in the Wilkes case, used its interpretation of *lex parliamenti* to override *lex terrae*, the Lords were indirectly much to blame.

[1] Cf. Rosebery, *Chatham*, p. 477, ' Dukes counted for much in those days. No one can read the history of those times without seeing the vast importance attributed to forgotten princes like Marlborough, Bedford, and Devonshire.'

[2] Yorke, *Life of Hardwicke*, vol. i, p. 2.

In an interesting passage, in which he explains how much superior as a political thinker Mrs. Macaulay is to Burke, Horace Walpole gives his view that the latter had not probed deep enough in his *Thoughts on the Cause of the Present Discontents*; the root of the evils which he was investigating was the iniquities of the aristocratic party whose successes he so ardently admitted. The canker, says Walpole, had begun under the Administration of the Pelhams and Hardwicke, at the head of ' a proud aristocracy of Whig Lords ', who ' had thought of nothing else but establishing their power '. ' The number of members in the House of Commons named by the House of Lords, and the consequential dependence of the Lower on the Upper House, facilitated their views.' Their conduct had been ' as if the Revolution had been calculated to confirm the power of the nobility, rather than to secure the constitution and the liberty of the people '.[1] This might have been written by Disraeli on the Whigs' ' contention for the patrician government of royal England '.[2]

Bolingbroke's ' patriot King ' was a sovereign who ruled for, and represented, the whole nation, and not any single class within it. No wonder the conception appealed to George III, who had been brought up to take a higher view of the British monarchy than his two predecessors, and who was conscious that he was happily free from their non-British deficiencies and disadvantages. If George I had needed the support of the great Whig families, and their rule had become so powerful that he could not dispense with them, there was no occasion for the perpetuation of their rule, Jacobitism being dead! Now was the opportunity to put an end to a system of Government which subordinated the Crown to an oligarchy. If the King of England had been reduced to a mere Doge of Venice, there was nothing in the Constitution, as amended by the Bill of Rights and Act of Settlement, that made him so. Less than justice is still as a rule done to George III, because his own grievous muddlings and glaring failures are so much more

[1] Walpole, *Memoirs of George III*, vol. iv, pp. 136–7.
[2] See the very interesting second chapter of *Sybil*.

readily appreciated than the ideals in pursuit of which they were committed, and because we persistently think of the constitutional issues of the eighteenth century in terms of the nineteenth. We recognize in the earlier period the beginnings of institutions which we have known in their fuller development since, and we are very prone to attribute to those beginnings a greater degree of maturity than they really possessed. Thus, where the contemporary wrote 'Court' we transcribe 'Government', and where he baldly wrote 'faction' we write 'party'. This is a pity, for 'Court' did not mean exactly what we mean by 'His Majesty's Government', nor when a contemporary wrote 'faction' did he mean exactly what we mean by party. Contemporaries used political terms as they did, not—as we rashly assume—because they did not know any better, but because those terms expressed the meaning they intended to convey. The Court consists of His Majesty, of the officers of his household, and the various departments of State. These Ministers have not got (as their modern successors have) a party programme; legislation is not their principal concern. No, they exist that the 'King's business' may be carried on—they are essentially administrators. The eighteenth-century view was that the main concern of a Government was to govern. Now, your patrician emphatically believes that the King's business must be carried on and no less emphatically that it is his particular function to see it done. Normally, he wants to be in and of the Court and close to the King as the centre of the social sphere and closely occupied in that distinctively patrician duty of governing the country. Apart altogether from any question of corrupt influence, there is a natural tendency for the patrician, unless actuated by some special motive, such as pique or jealousy, to be on the side of Government.

How did George III regard the problem of carrying on the King's business? He made no objection to the aristocratic penchant for governing—so long as the aristocrats were prepared to transact the King's business under the direction of the King; so long as service to the Crown was placed above the service of a connexion, a party, or, as he would

have put it, ' a faction '. George's objection to the party system as it manifested itself in his day can easily be understood, and it is not unreasonable. The country had been governed during the last two reigns by the Whigs. All the Whigs wanted to be governors, but they could not possibly all govern at the same time. Therefore there were two kinds of Whigs—those who were governing and those who were criticizing the Government. There was no apparent difference either of principle or of political outlook between them. There were subdivisions of these two main groups, but the subdivisions had nothing to do with questions of principle either. They owed allegiance not to a creed, but to a head of one of the great families—to a duke or a marquis. Whiggism might to a hostile mind be summed up as denoting two different, but complementary things—first, a desire on the part of the ' ins ' to monopolize the work of carrying on the King's business, second, a tendency, on the part of the ' outs ', to obstruct that essential business from motives of pure factious jealousy. It must be remembered that not only George III, but his two predecessors, took a *personal* view of the Opposition. They did not stand neutral as between different parties—they resented obstruction to the work of *their* Ministers carrying out *their* policy. Naturally, members of Administration were only too willing to foster this attitude.

When we watch the tortuous negotiations between one connexion and another, each scheming to force its way into office—we can understand how the phrase ' measures not men ' came to have a considerable vogue. When people saw the Rockinghams and Bedfords, who were known to be completely opposed on the burning question of America, trying to patch up an alliance, for the sake of securing office, no wonder some people took the view :

> What that rogue loses, this rogue wins,
> Both are birds of a feather,
> Here 's d— the Outs and d— the Ins,
> And d— them all together.[1]

[1] *Grenville Corr.*, vol. iv, p. 105 *n.*

That George III was genuine in his distress at this state of things is manifest. 'Parties', he declared, 'aimed only at places, and seemed regardless of measures; and this made the country indifferent to their success.'[1] 'Faction', he said, 'was the greatest enemy of this poor country.'[2] Could not the various political groups, bound in allegiance to their several leaders, rise to the conception of a higher loyalty—to a disinterested service of the Crown, as the symbol of national unity? If not, then the reintegration of royal authority was the only cure of faction, that worst disease of the commonwealth. The issue between Newcastle and the King is sometimes represented as one between the principle of party government and prerogative. But Newcastle did not represent the party system as we understand it to-day. Does he anywhere express regret at the defeat of a great principle of government? No, his lamentations are all personal—for himself, his relations, and friends, Pelhams and Cavendishes!

By what means did George III succeed in transforming the stronghold of the Whig oligarchs into a Chamber eminently docile to himself, in which the Rockinghams, representative of the great families which only a few years before had been all-powerful, strove in vain? The influence of time must not be ignored; it is constantly altering any hereditary assembly. The rising generation may simply carry on the tradition of the last, but it does not necessarily do so. Every new accession to a title afforded the Crown a possible opportunity for exerting influence. Change in personnel is also automatically brought about by the extinction of peerages, and such extinctions take place with remarkable regularity. Between 1760 and 1783, inclusive, forty-one titles became extinct, several of them being merged in other superior titles.[3] New titles took the places of those which became extinct. But this process was perfectly normal. It is important to notice that George III did not deliberately expedite it. Between 1759 and 1780, if we

[1] *Ibid.*, pp. 151–2. [2] *Chatham Corr.*, vol. iii, p. 264.

[3] See list of extinct English peerages in *The New Peerage* (printed by John Stockdale, 2 vols., 1809), vol. i, pp. 331–42, and 351–2.

omit dukes of the blood royal and peeresses, there was an increase in members of the peerage of only nine—170 to 179. The rate of increase was considerably expedited after this, and in the next four years the numbers rose from 179 to 193.[1] Even so, a rise from 170 to 193 in the course of twenty-five years is not very great, and quite insignificant in comparison with the lavish creations made in the succeeding days of the younger Pitt, the total rising to 268 in 1797. The most important years are those which separate the era of the Pelhams from those of Lord North, and the elevations to the peerage in that period are few. Six new peers took their seats in the House in 1761 ;[2] six in 1762 ;[3] two in 1763.[4] No new peer was created in 1764, and there were only two in 1765.[5] There was but one next year ;[6] there were none in 1767, 1768, or 1769. The solitary peer created in 1770 was the unhappy Charles Yorke, who died when his patent of nobility as Lord Morden was being made out. Apsley was the only new Lord of 1771 ; and there were no further elevations to the peerage until 1776, when there were ten straight away.[7] Up to that date George III had been quite niggardly. His reluctance to add to the highest dignities of the peerage has already been remarked. Of the new peers created prior to Lord North's accession to power, twelve were made in the Newcastle Administration at the commencement of the reign, but of these six were made in the month of May 1762, when the Duke's star was in rapid decline, that of Bute in the ascendant. Only two creations belong to the period of Bute's own Administration ; none at all to Grenville's ; two only to Rockingham's in 1765–6 ; three to Chatham's, one to Grafton's. Nineteen were added during the twelve years of North's Ministry. This was a considerable accession of strength to Lord North's following in

[1] See Egerton Brydges, *Reflections on the late Augmentations of the English Peerage* (1798), pp. 6–7.

[2] Viscount Spencer ; Barons Melcombe Regis, Grantham, Grosvenor, Scarsdale, Boston.

[3] Barons Lovel and Holland, Montagu, Milton, Beaulieu, Vernon, Bingley.

[4] Barons Holland of Foxley, Ligonier.

[5] Camden and Digby.

[6] Sundridge.

[7] Osborne, Hume, Cardiff, Hawke, Amherst, Brownlow, Cranley, Rivers, Harrowby, Foley.

the Upper House. But it should be noted that with one single exception these creations belong to the period 1776 onwards, whereas the Government's voting strength in the Chamber was certainly on the whole better in the years before 1776 than afterwards. The effect of the calamities of the American War more than counterbalanced the increase in the Government's forces in the Chamber.[1] The phenomenon which requires explanation is, then, the success of the North Administration in its earlier years before its reinforcements appeared.

There were other members of the House of Lords besides the hereditary British peers, the nature of whose tenure rendered them peculiarly liable to influence, and it is here that the solution of the problem is probably in large measure to be found. There were, first, the sixteen Scottish peers, always ushered into Parliament by the time-honoured methods of ' the King's List '. There were also the bishops. The utility of episcopal vacancies has already been discussed. As Lord Effingham put it during a debate on March 10, 1780, the Scottish peers and the bishops between them ' threw a great weight into the scale of the Crown '.[2]

The Scottish peers and the episcopal bench could be reckoned upon. So also could the place-men. In 1774 there were no fewer than 86 of these in the House of Lords—76 exclusive of Scottish peers who were office-holders.[3] When George III transferred the control of the Crown's patronage from the Whig oligarchs to himself, he at a blow altered the complexion of the Chamber. With the 16 representative peers, an easy majority of the bishops, and 76 place-men, the King had the very effective nucleus of a King's party at his disposal. Having dependent supporters, the King and his Ministers were able to compel attendance at important debates, and to make sure of a working majority at all times. The Opposition could not.

In addition to this, George's control over the House was

[1] It should be noted that during the brief period of Rockingham's second Administration and of Shelburne's five Whigs were made peers—T. Townshend, Rawdon, Keppel, Dunning, Fletcher Norton. Admiral Rodney was also made a peer.

[2] *P. H.*, vol. xxi, p. 229.

[3] *Parliamentary Papers of Robinson*, pp. 11–14.

aided by two of its characteristics in the eighteenth century. The first was its tendency shown throughout this period to pay marked deference to its great lawyers. It is true that the sway exercised over the deliberations of the assembly was occasionally resented, but as a rule whenever questions beset by legal technicalities arose in the course of debate—and this frequently happened—the House as a whole showed itself disposed to accept expert guidance. In the earlier part of the century the House readily lent its ear to the great Whig judges, Somers and Hardwicke. In the days of George III the combination of the brilliant Mansfield and the truculent Thurlow was a most powerful asset on the King's side. Camden was indeed in the succession of the great Whig lawyers, but he had much less influence than Mansfield, who was a far greater lawyer. 'Persuasion flowed from his lips', wrote Bishop Newton of Mansfield; 'conviction was wrought in all unprejudiced minds, and for many years the House of Lords paid greater deference to his authority than to that of any man living.'[1] The dignity and the natural conservatism of the law clearly made a strong appeal to the eighteenth-century House of Lords. The majority in the Chamber could be relied upon to support lawful authority and the nation's majesty. That constitutes the second characteristic. It explains the attitude of the majority towards the American Question. The Upper House was not deficient in the ordinary conception of patriotism, any more than the Lower House, and to champion the cause of the unreasonable and ungrateful colonies against the just demands of a beneficent Government seemed to the ordinary mind, whether peer's or commoner's, manifestly unpatriotic. Thus, apart from the influence of bishops, Scottish peers, and place-men, George III probably in any case possessed the sympathy of the majority of the Peers on what was the paramount issue during the period of Lord North's long Administration.

Control over the House of Lords was valuable for its own sake, but still more valuable was it as a means to a greater end—control over the other House. George III's corre-

[1] *Newton's Works*, vol. i, p. 137.

spondence does not show very much interest in the proceedings of the Lords ; it often shows keen interest in those of the Commons. They needed watching. What George aimed at doing, and succeeded in doing, was utilizing the Lords in order to manage the Commons. Once the resources of Treasury patronage were reinforced by those of the great electioneering peers, the composition of the House of Commons was largely at the dictation of the King and of his obedient ministers.

The House of Lords was useful in yet another way to George, as it had been to the Whig chiefs before him. When Government desired the defeat of a popular measure, whose rejection by the representative Chamber might cause trouble in the constituencies, recourse could be had to the House of Peers. It was an improvement upon that method of procedure for the King to use the Lords in order to defeat his own Government, in spite of its possession of a large majority in the House of Commons, as George III did in the case of Fox's India Bill. This is the culminating event of this period in the history of the House.

The system of using the patronage possessed by members of the Upper House in order to control the Commons worked beautifully under Lord North. When the latter insisted upon resigning, the King looked upon this as base desertion. For the fall of North let in the Whigs again, now purified by their years of exile, possessed of the political philosophy bestowed upon them by the genius of Edmund Burke, and bent upon carrying through their programme of economical reform, which would strike a damaging blow at the whole scheme of parliamentary manipulation by means of royal patronage. Something could still be done to hamper the Rockingham legislation by means of divided councils within the Ministry and through the influence of Thurlow and the Tory gang in the House of Lords. But when North committed the turpitude of joining with Fox, and the infamous coalition of Whig and Tory was perpetrated, the King felt that the situation was insupportable. Thurlow was once more the King's salvation. He was behind the plot of December 1783. It was he that perceived that the House

of Lords could still be useful, that the direct parliamentary influence of the Crown could still be effective—in that Chamber. The King apparently gained a great personal victory, as signal as any he had ever achieved. But its fruits were gathered in by William Pitt, and the career of that amazing statesman meant the strengthening and further development of the Cabinet system, which George III had tried to wreck. There opens a new era in our constitutional history. One of its most distinctive features is a radical transformation of the House of Lords. The Chamber which faced the problems of the Reform Bill was very different in composition and character from that which had remained in essential characteristics unaltered from the days of good Queen Anne right through those of the Venetian oligarchy till the end of George III's constitutional experiment.

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Such in brief outline are the outstanding events in the history of the House of Lords during this period ; but more significant than events are the permanent facts about the House during the century. Historians and politicians, influenced by the obvious prominence of the House of Commons in the seventeenth century and in the latter half of the nineteenth, have as a rule failed to appreciate the full importance of the Upper House in the eighteenth century. Yet the dominance of the Peers is a fundamental fact of the whole national economy during the period. This may be forgotten now, but it was patent to observers during the great fight for Parliamentary Reform. A compilation entitled *A Peep at the Peers*, published in 1820, which gives a complete list of the lords of that day with full particulars of their incomes, employments, and perquisites, maintains the thesis that the peers monopolize all the best posts in the diplomatic service, the army, and the navy, that they have in their hands all the patronage of the country—of patronage which means power and wealth. In short, the contention in 1820 is that the peerage possess a virtual monopoly of the power and wealth of Great Britain. It is undeniably true that in the period discussed in this volume the aristocracy were supreme not only in their own Chamber, but in the House of Com-

mons also, which was largely composed of their relatives and other nominees; that they provided the country with its executive power, forming a large majority in every Cabinet, whatever its party complexion happened to be; that they officered the army and navy; largely conducted the diplomatic service; in their official capacity as lords-lieutenant and in their personal capacity as owners of the soil of England were a preponderating administrative and social influence. This phenomenon was unique. On the Continent royal absolutisms, with the assistance of small skilled bureaucracies, prevailed. The aristocracies had ceased to count as a political influence. They had social standing, but very little else. George III endeavoured to aggrandize the monarchy by destroying the aristocracy's monopoly of political power. But even in so doing he had to work through the aristocracy. He could not create a new social order.

Every class has its limitations, and the monopoly of political influence by any particular class necessarily has its disadvantages. The record of oligarchical government in Great Britain during the eighteenth century revealed the defects, as well as the virtues, of oligarchical statesmanship. It understood the ordinary business of justice, administration, and diplomacy. But its range was limited, and it was deficient in powers of imagination. It failed where the situation demanded a sympathetic appreciation of unfamiliar points of view, of other conditions of life, and of the emergence of the novel problems of a new age. It bungled the colonial question and the Irish question; it did not even recognize that the Industrial Revolution involved the birth of a social problem. On the other hand, there was as yet no class antagonism in Great Britain, and the dangers which must attend the dominance of one class, whenever it is suspected and hated by others, did not exist. The permanence of the system undoubtedly gave stability to government and continuity to national policy. Such benefits the aristocracy was able to bestow upon the State in the eighteenth century. Still more valuable was the habit of public service. Whatever its shortcomings, the House of Lords at least maintained that great tradition.

APPENDICES

APPENDIX A

LIST OF PEERAGE CREATIONS

1702—1783

(exclusive of Princes of the Blood)

The first date is that of the Patent; the second that of the Writ of Summons. Where they coincide only one date is given. The references to *L. J.* are for the introduction of the peers in the House of Lords.

REIGN OF QUEEN ANNE

Dukes

Dec. 1702	xvii.	195	John Churchill, Earl of Marlborough	created Duke of	Marlborough.	
Mar. 1703 Apr.	,,	323	John Sheffield, Marquis of Normanby	,,	,,	Buckinghamshire.[1]
1711 Feb.	xix.	245	John Manners, Earl of Rutland	,,	,,	Rutland.[2]
Apr. 1705	xviii.	18	Ralph Montagu, Earl of Montagu	,,	,,	Montagu.[3]
May 1708	,,	583	Charles Douglas, Duke of Queensberry (in Scotland)	,,	,,	Dover.[4]
Apr. 1710 Sept.	xix.	166	Henry de Grey, Marquis of Kent	,,	,,	Kent.[5]
Sept. 1711			James Hamilton, Duke of Hamilton (in Scotland)	,,	,,	Brandon.[6]

[1] The first dukedom became extinct in 1736.

[2] The first duke died before taking his seat. His son was introduced on Mar. 8, 1710/11. See *L. J.*, vol. xix, p. 245.

[3] Extinct in 1749. [4] Extinct in 1778. [5] Extinct in 1740.

[6] His right to sit in the House of Lords as Duke of Brandon was disallowed. See *supra*, pp. 150–2.

Marquises

Dec. 1706	xviii.	188	Robert Bertie, Earl of Lindsay	created	Marquis of Lindsay.[1]
,,	,,	,,	Henry de Grey, Earl of Kent	,,	,, Kent.[2]
,,		189	Evelyn Pierrepont, Earl of Kingston	,,	,, Dorchester.[3]

Earls

Nov. 1705	xviii.	39	John Campbell, Duke of Argyll (in Scotland)	,,	Earl of Greenwich.[4]
Dec. 1706	,,	188	Henry Howard (e. s. of the Earl of Suffolk)	,,	,, Bindon.[5]
,, ,,	,,	189	Thomas Wharton, Baron Wharton	,,	,, Wharton.[6]
,, ,,	,,	,,	John Paulet, Baron Paulet	,,	Earl Paulet.
,, ,,	,,	190	Sidney Godolphin, Baron Godolphin	,,	Earl of Godolphin
,, ,,	,,	,,	Hugh Cholmondeley, Baron Cholmondeley	,,	,, Cholmondeley.
May 1711	xix.	309	Rt. Hon. Robert Harley	,,	,, Oxford and Mortimer.
Sept. ,,	,,	328	William Legge, Baron Dartmouth	,,	,, Dartmouth.
,, ,,	,,	333	Washington Ferrers, Baron Ferrers	,,	Earl Ferrers.
	,,	457	Thomas Wentworth, Baron Raby	,,	Earl of Strafford.

Viscounts

July 1712	xix.	470	Henry St. John	,,	Viscount Bolingbroke.

Barons

(a) *Eldest sons, called up by Writ into their Fathers' Baronies.*

Mar. 1705	xvii.	692	James Berkeley (e. s. of the Earl of Berkeley)	created	Baron Dursley.
Dec. 1711	xix.	353	James Compton (e. s. of the Earl of Nottingham)	,,	,, Compton.
,, ,,	,,	,,	Charles Bruce (e. s. of the Earl of Ailesbury)	,,	,, Bruce.
Jan. 1713	,,	503	Peregrine Osborne (e. s. of the Duke of Leeds)	,,	,, Osborne of Kiveton.

(b) *Created by Patent.*

Mar. 1703 Apr.	xvii.	323	John Granville	,,	,, Granville.[7]
,, ,, ,,	,,	,,	Heneage Finch	,,	,, Guernsey.[8]
,, ,, ,,	,,	,,	Francis Seymour Conway	,,	,, Conway of Ragley.

,, ,, ,,	,,	325	John Hervey	,,	,,	Hervey.[9]
,, ,, June	,,	340	John Leveson-Gower	,,	,,	Gower.
Dec. 1706	XVIII.	190	William Cowper	,,	,,	Cowper (Lord Keeper).[10]
,, ,,	,,	191	Sir Thomas Pelham, Bart.	,,	,,	Pelham.
Sept. 1711	XIX.	328	Sir Simon Harcourt, Kt.	,,	,,	Harcourt (Lord Chancellor).[11]
,, ,,	,,	332	Charles Boyle (Earl of Orrery in Ireland)	,,	,,	Boyle.
Dec. 1711	,,	356	George Hay (e. s. of Earl of Kinnoull in Scotland)	,,	,,	Hay.[12]
Jan. 1712	,,	353	Thomas Windsor (Viscount Windsor in Ireland)	,,	,,	Mountjoy.
,, ,,	,,	,,	Henry Paget (e. s. of Lord Paget)	,,	,,	Burton.[13]
,, ,,	,,	354	Sir Thomas Mansel, Bart.	,,	,,	Mansel.
,, ,,	,,	,,	Sir Thomas Willoughby, Bart.	,,	,,	Middleton.
,, ,,	,,	,,	Sir Thomas Trevor, Kt.	,,	,,	Trevor.
,, ,,	,,	355	George Grenville	,,	,,	Lansdowne.[14]
,, ,,	,,	,,	Samuel Masham	,,	,,	Masham.
,, ,,	,,	,,	Thomas Foley	,,	,,	Foley.
,, ,,	,,	,,	Allen Bathurst	,,	,,	Bathurst.
July 1713 Aug.	,,	356	Robert Benson	,,	,,	Bingley.[15]

REIGN OF KING GEORGE I

DUKES

July 1715	XX.	145	Robert Bertie, Marquis of Lindsey	,,	Duke of Ancaster.
Aug. ,,	,,	166	Evelyn Pierrepont, Marquis of Dorchester	,,	,, Kingston.[16]

[1] Afterwards Duke of Ancaster. [2] Afterwards duke. [3] Afterwards Duke of Kingston.
[4] Became Duke of Greenwich in 1719. [5] Peerage became extinct in 1722. [6] Became Marquis of Wharton in 1715.
[7] Extinct in 1707. [8] Became Earl of Aylesford in 1714. [9] Became Earl of Bristol in 1715.
[10] Became Earl Cowper in 1718. [11] Created viscount in 1721. [12] Extinct in 1758.
[13] Became Earl of Uxbridge in 1714. [14] Extinct in 1734. [15] Extinct in 1730. [16] Extinct in 1773.

Aug. 1715	xx.	166	Thomas Pelham-Holles, Earl of Clare	created	Duke of Newcastle-on-Tyne.[1]
July 1716	,,	413	Henry Bentinck, Earl of Portland	,,	,, Portland.
Apr. 1719 Nov.	xxi.	162	John Campbell, Earl of Greenwich (and Duke of Argyll)	,,	,, Greenwich.[2]
Apr. 1719	,,	163	Charles Montagu, Earl of Montagu	,,	,, Manchester.
,, ,,	,,	,,	James Brydges, Earl of Carnarvon	,,	,, Chandos.
Apr. 1718 Dec. 1719	,,	186	Philip Wharton, Marquis of Wharton	,,	,, Wharton.[3]
June 1720	,,	370	Lionel Cranfield Sackville, Earl of Dorset	,,	,, Dorset.
,, ,,	,,	,,	Scroop Egerton, Earl of Bridgewater	,,	,, Bridgewater.

MARQUIS

Feb. 1715 Dec.	xx.	25	Thomas Wharton, Earl of Wharton	,,	Marquis of Wharton. .

EARLS

Oct. 1714 Jan. 1715	xx.	25	Henry Paget, Lord Paget	,,	Earl of Uxbridge.[4]
,, ,, ,, ,,	,,	,,	James Bridges, Lord Chandos	,,	,, Carnarvon.[5]
,, ,, ,, ,,	,,	26	Lewis Watson, Lord Rockingham	,,	,, Rockingham.[6]
,, ,, ,, ,,	,,	,,	Charles Montagu, Lord Halifax	,,	,, Halifax.
,, ,, ,, ,,	,,	,,	Heneage Finch, Lord Guernsey	,,	,, Aylesford.
,, ,, ,, ,,	,,	27	John Hervey, Lord Hervey	,,	,, Bristol.
,, ,, ,, ,,	,,	,,	Thomas Holles Pelham, Lord Pelham	,,	,, Clare.[7]
,, ,, ,, ,,	,,	31	Charles Bennet, Lord Ossulston	,,	,, Tankerville.
June 1715	,,	76	George Montagu, Lord Halifax (nephew of late earl)	,,	,, Halifax.[8]
Sept. 1717	,,	555	Talbot Yelverton, Viscount Longueville	,,	,, Sussex.
Mar. 1718	xxi.	5	William Cowper, Lord Cowper	,,	Earl Cowper.
Apr. ,,	,,	,,	James Stanhope, Viscount Mahon	,,	,, Stanhope.
May ,,	,,	62	William Cadogan, Lord Cadogan	,,	,, Cadogan.
May 1719	,,	164	Bennet Sherard, Viscount Sherard	,,	Earl of Harborough.
,, ,,	,,	,,	Thomas Coningsby, Lord Coningsby	,,	,, Coningsby.[9]
June 1720	xxi.	353	James Saunderson, Viscount Castleton	,,	Earl Castleton.[10]

Nov. 1721	,,	604	Thomas Parker, Lord Parker	,,	,,	Macclesfield (Lord Chancellor).
Dec. ,,	,,	643	Thomas Fermor, Lord Lampster	,,	,,	Pomfret.
May 1722 Jan. 1727	xxiii.	10	David Graham (e. s. of the Duke of Montrose in Scotland)	,,	,,	Graham.

VISCOUNTS

Oct. 1714 Jan. 1715	xx.	27	Henry O'Brien (Earl of Thomond in Ireland)	,,	Viscount	Tadcaster.[11]
June 1716	,,	414	James Saunderson, Lord Saunderson	,,	,,	Castleton.[12]
July ,,	,,	,,	Sir Henry St. John, Bart.	,,	,,	Saint John.[13]
,, 1717	,,	543	James Stanhope	,,	,,	Stanhope of Mahon.[14]
May 1718	xxi.	6	Richard Temple, Lord Cobham	,,	,,	Cobham.
Nov. ,,	,,	,,	Bennet Sherard, Lord Harborough	,,	,,	Sherard.[15]
June 1720	,,	355	Hugh Boscawen	,,	,,	Falmouth.
,, ,,	,,	357	John Wallop	,,	,,	Lymington.[16]
Sept. 1721	,,	593	Sir G. Byng, Kt.	,,	,,	Torrington.
,, ,,	,,	597	Simon Harcourt, Lord Harcourt	,,	,,	Harcourt.

BARONS

(a) *Eldest sons of Peers, called up by Writ into their Fathers' Baronies.*

Mar. 1715	xx.	27	Peregrine Bertie (e. s. of the Marquis of Lindsey)	created	Baron	Willoughby d'Eresby.
,, ,,	,,	28	Richard Lumley (e. s. of the Earl of Scarbrough)	,,	,,	Lumley.
Apr. 1717	,,	446	Charles Paulet (e. s. of the Duke of Bolton)	,,	,,	Paulet of Basing.

[1] Created Duke of Newcastle-under-Lyme in 1756. Dukedom became extinct in 1768.
[2] All English titles became extinct in 1743. [3] Extinct in 1731. [4] Extinct in 1770.
[5] Created Duke of Chandos in 1719. [6] Earldom extinct in 1746. [7] Created Duke of Newcastle.
[8] Extinct in 1772. [9] Extinct in 1761. [10] Extinct in 1723. [11] Extinct in 1741.
[12] Became Earl of Castleton in 1720. [13] This dignity became merged in that of Bolingbroke in 1751.
[14] Became Earl Stanhope in 1718. [15] Became Earl of Harborough in 1719.
[16] Became Earl of Portsmouth in 1743.

Nov. 1718		xxi.	6	Anthony de Grey (e. s. of the Duke of Kent)	created Baron	Lucas.
May 1723		xxii.	212	Charles Townshend (e. s. of Viscount Townshend)	,, ,,	Lynne.

(b) *Created by Patent.*

Oct. 1714	Jan. 1715	xx.	28	James Saunderson (Viscount Castleton in Ireland)	,, ,,	Saunderson.
,, ,,	,, ,,	,,	,,	Bennet Sherard, Lord Sherard	,, ,,	Harborough.
,, ,,	,, ,,	,,	,,	Henry Boyle	,, ,,	Carleton.
,, ,,	,, ,,	,,	32	Gervase Pierrepont (Lord Pierrepont in Ireland)	,, ,,	Pierrepont.
,, ,,	,, ,,	xx.	64	Sir Richard Temple, Bart.	,, ,,	Cobham.
Mar. 1716		,,	307	Sir Thomas Parker, Kt.	,, ,,	Parker.
June ,,		,,	394	Thomas Coningsby (Lord Clanbrassil in Ireland)	,, ,,	Coningsby.[1]
,, ,,		,,	,,	Thomas Newport (2nd son of the Earl of Bradford)	,, ,,	Torrington.
,, ,,		,,	,,	William Cadogan	,, ,,	Cadogan.
,, ,,		,,	395	Sir Robert Marsham, Bart.	,, ,,	Romney.
,, ,,		,,	414	Sir Richard Onslow, Bart.	,, ,,	Onslow.
July ,,		,,	415	George Cholmondeley (Lord Newburgh in Ireland)	,, ,,	Newburgh.[2]
June 1720		xxi.	356	Matthew Morton	,, ,,	Ducie.
Sept. 1721		,,	594	Nicholas Lechmere	,, ,,	Lechmere.[3]
June 1723		xxii.	242	Robert Walpole, jun.	,, ,,	Walpole.
May 1725		,,	651	Sir Peter King, Kt.	,, ,,	King (Lord Chancellor).

REIGN OF KING GEORGE II

Dukes

Nov. 1756				Thomas Pelham-Holles, Duke of Newcastle-on-Tyne	created Duke of	Newcastle-under-Lyme.

Marquis

Apr. 1746		xxxi.	568	Thomas Watson Wentworth, Earl of Malton	,,	Marquis of Rockingham.[4]

May 1722	Jan. 1730	XXIII.	451	Robert Ker (e. s. of the Duke of Roxburgh in Scotland)	,,	Earl Ker of Wakefield.
Sept. 1729		XXIV.	441	James Waldegrave, Lord Waldegrave	,,	,, Waldegrave.
May 1730		XXIII.	577	Benjamin Mildmay, Lord Fitzwalter	,,	,, Fitzwalter.[5]
,,	,,	,,	,,	John Ashburnham, Lord Ashburnham	,,	Earl of Ashburnham.
,,	,,	,,	,,	Spencer Compton, Lord Wilmington	,,	,, Wilmington.
Dec. 1731		XXIV.	5	Francis Howard, Lord Howard of Effingham	,,	,, Effingham.
Nov. 1734	Jan. 1735	,,	441	Thomas Watson Wentworth, Lord Malton	,,	,, Malton.[6]
Feb. 1742		XXVI.	55	Sir Robert Walpole, K.G.	,,	,, Orford.
,,	,,	,,	56	William Stanhope, Lord Harrington	,,	,, Harrington.
July	,,	,,	158	William Pulteney	,,	,, Bath.
Apr. 1743		,,	252	John Wallop, Viscount Lymington	,,	,, Portsmouth.
May 1744		,,	395	Thomas Coke, Lord Lovel	,,	,, Leicester.
July 1746		,,	606	Francis Greville, Lord Brook	,,	Earl Brook.
,,	,,	,,	607	John Leveson-Gower, Lord Gower	,,	,, Gower.
,,	,,	,,	616	Hugh Fortescue, Lord Clinton	,,	,, Clinton.[7]
Sept.	,,	XXVII.	4	John Hobart, Lord Hobart	,,	Earl of Buckinghamshire.
,,	,,	,,	,,	William Fitzwilliam, Lord Fitzwilliam	,,	Earl Fitzwilliam.
May 1748	Nov. 1748	,,	248	Henry Arthur, Lord Herbert of Cherbury	,,	Earl of Powis.
Dec. 1749		,,	421	Simon Harcourt, Viscount Harcourt	,,	Earl Harcourt.
Aug. 1749	Nov. 1749	,,	473	Francis Seymour Conway, Lord Conway	,,	Earl of Hertford.
Apr. 1752	Jan. 1753	XXVIII.	4	Charles North, Lord Surrey and Guildford	,,	,, Guildford.
June 1753	Nov. 1753	,,	162	Francis Cornwallis, Lord Cornwallis	,,	Earl Cornwallis.
Apr. 1754		,,	262	Philip Yorke, Lord Hardwicke	,,	Earl of Hardwicke.
,,	,,	,,	263	Henry Vane, Lord Bernard	,,	,, Darlington.
June 1756		,,	613	Thomas Bellasyse, Viscount Fauconberg	,,	Earl Fauconberg.
,,	,,	,,	619	Stephen Fox, Lord Ilchester	,,	Earl of Ilchester.

[1] Became Earl of Coningsby in 1719. [2] This barony became merged in the earldom of Cholmondeley, 1724. [3] Extinct in 1727.
[4] Extinct in 1782. [5] Extinct in 1756. [6] Became Marquis of Rockingham in 1746. [7] Earldom extinct in 1751.

Viscounts

Feb. 1747	xxvii.	54	James Fitzgerald (Earl of Kildare in Ireland)	created Viscount	Leinster.
June 1747 Oct. 1747	,,	146	Sir Jacob Bouverie, Bart.	,, ,,	Folkestone.

Barons

(a) *Eldest sons of Peers, called up by Writ into their Fathers' Baronies.*

June 1733	xxiv.	307	John Hervey (e. s. of the Earl of Bristol)	created Baron	Hervey.
Jan. 1734	,,	320	John Poulett (e. s. of the Earl Poulett)	,, ,,	Hinton.
,, 1751	xxvii.	484	Henry Hyde (e. s. of the Earl of Clarendon)	,, ,,	Hyde.
June ,,	,,	593	William Cavendish (e. s. of the Duke of Devonshire)	,, ,,	Cavendish.

(b) *Created by Patent.*

Jan. 1728	xxiii.	166	Sir Spencer Compton, K.B.	,, ,,	Wilmington.
May ,,	,,	299	Sir John Hobart, K.B.	,, ,,	Hobart.[1]
,, ,,	,,	,,	Sir John Monson, Bart., K.B.	,, ,,	Monson.
,, ,,	,,	300	Sir Thomas Watson Wentworth	,, ,,	Malton.
,, ,,	,,	331	Sir Thomas Coke, K.B.	,, ,,	Lovel.
Jan. 1730	,,	451	William Stanhope	,, ,,	Harrington.[2]
,, 1731	,,	591	Sir Robert Raymond, Kt.	,, ,,	Raymond.[3]
Nov. 1733 Dec. 1733	xxiv.	321	Sir Philip Yorke, Kt.	,, ,,	Hardwicke.[4]
Dec. 1733	,,	,,	Charles Talbot	,, ,,	Talbot (Lord Chancellor).[5]
May 1741 Nov. 1741	xxvi.	7	Henry Bromley	,, ,,	Montfort
,, ,, ,, ,,	,,	8	Stephen Fox	,, ,,	Ilchester.
,, ,, ,, ,,	,,	,,	John Howe	,, ,,	Chedworth.
Apr. 1742	,,	104	William Fitzwilliam (Earl Fitzwilliam in Ireland)	,, ,,	Fitzwilliam.
,, ,,	,,	105	Richard Edgcumbe	,, ,,	Edgcumbe.
Dec. 1743	,,	285	Samuel Sandys	,, ,,	Sandys.
,, ,,	,,	,,	Henry Arthur Herbert	,, ,,	Herbert of Cherbury.[6]
June 1747	xxvii.	134	George Anson	,, ,,	Anson.[7]

June 1747	Oct. 1747	,,	159	Sir Henry Lyddel, Bart.	,,	,,	Ravensworth.[8]
July ,,	,, ,,	,,	147	Anthony Duncombe	,,	,,	Feversham.[9]
,, ,,	,, ,,	,,	160	Thomas Archer, Lord Archer	,,	,,	Archer.[10]
Jan. 1748		,,	190	Henry Rolle	,,	,,	Rolle.[11]
Mar. 1750		,,	441	Vere Beauclerk	,,	,,	Vere.
Jan. 1749	Oct. 1749	,,	474	Henry Brabazon Ponsonby (Earl of Bessborough in Ireland)	,,	,,	Ponsonby.
June 1756		,,	619	Thomas Villiers (2nd son of the Earl of Jersey)	,,	,,	Hyde.[12]
,, ,,		,,	,,	Horatio Walpole	,,	,,	Walpole of Wolterton.
Nov. ,,		xxix.	5	William Murray (2nd son of Viscount Stormont)	,,	,,	Mansfield.[13]
,, ,,		,,	,,	Wills Hill (Earl of Hillsborough in Ireland)	,,	,,	Harwich.[14]
,, ,,		,,	6	Sir George Lyttelton, Bart.	,,	,,	Lyttelton.[15]
Mar. 1760		,,	627	Sir Robert Henley, Kt.	,,	,,	Henley (Lord Keeper).[16]
May ,,		,,	694	John Petty Fitzmaurice (Earl of Shelburne in Ireland)	,,	,,	Wycombe.
,, ,,		,,	695	Hon. Lewis Monson Watson (2nd son of Lord Monson)	,,	,,	Sondes.

REIGN OF KING GEORGE III

Dukes

Oct. 1766	Nov. 1766	xxxi.	426	Henry Percy, Earl of Northumberland	created Duke of Northumberland.		
Nov. 1766		,,	,,	George Brudenell Montagu, Earl of Cardigan	,,	,,	Montagu.

[1] Became Earl of Buckinghamshire in 1746. [2] Subsequently earl in 1742.
[3] Extinct in 1750. [4] Raised to earldom in 1754. [5] Raised to earldom in 1761.
[6] Advanced to earldom of Powis in 1748. [7] Extinct in 1762. [8] Extinct in 1782.
[9] Extinct in 1763. [10] Extinct in 1777. [11] Extinct in 1750. [12] Advanced to earldom of Clarendon in 1776.
[13] Advanced to earldom in 1776. [14] Advanced to earldom in 1772. [15] Extinct in 1779.
[16] Became Earl of Northington in 1764.

Earls

Mar. 1761		xxx.	108	John West, Lord Delawarr	created	Earl Delawarr.
,,	,,	,,	125	William Talbot, Lord Talbot	,,	,, Talbot.[1]
May 1764		,,	588	Robert Henley, Lord Henley	,,	Earl of Northington (Lord Chancellor).
Nov. 1765	Dec. 1765	xxxi.	226	John Spencer, Viscount Spencer	,,	Earl Spencer.
Oct. ,,	Jan. 1766	,,	233	William Bouverie, Viscount Folkestone	,,	Earl of Radnor.
Aug. 1766	Nov ,,	,,	426	Rt. Hon. William Pitt	,,	,, Chatham.
Sept. ,,	Mar. 1768	xxxii.	149	John Ligonier, Lord Ligonier	,,	Earl Ligonier.[2]
Aug. 1772	Nov. 1772	xxxiii.	465	Wills Hill, Lord Harwich	,,	Earl of Hillsborough.
June 1776	Oct. 1776	xxxv.	5	Thomas Bruce, Lord Bruce	,,	,, Ailesbury.
,, ,,	,, ,,	,,	,,	Thomas Villiers, Lord Hyde	,,	,, Clarendon.
,, ,,	,, ,,	,,	,,	William Murray, Lord Mansfield	,,	,, Mansfield.

Viscounts

Apr. 1761	Oct. 1761	xxx.	109	John Spencer	,,	Viscount Spencer.[3]
May 1762		,,	268	Edward Noel, Lord Wentworth	,,	,, Wentworth.
Apr. 1763	Nov. 1763	,,	414	John Ward, Lord Ward	,,	,, Dudley and Ward.
Oct. 1766	Nov. 1766	xxxi.	508	Charles Maynard, Lord Maynard	,,	,, Maynard.
June 1776	Oct. 1776	xxxv.	6	Robert Hampden Trevor, Lord Trevor	,,	,, Hampden.
Mar. 1781		xxxvi.	238	George Edgcumbe, Lord Edgcumbe	,,	,, Edgcumbe and Valletort.
Feb. 1782		,,	386	George Germaine (Lord George Sackville)	,,	,, Sackville.
Apr. ,,		,,	450	Hon. Augustus Keppel (2nd son of the Earl of Albemarle)	,,	,, Keppel.
,, ,,		,,	574	Richard Howe (Viscount Howe in Ireland)	,,	,, Howe.

Barons

(a) *Eldest son of a Peer, called up by Writ into his Father's Barony.*

May 1776				Francis Godolphin Osborne (Marquis of Carmarthen), only son of the Duke of Leeds	created	Baron Osborne.

(b) *Created by Patent.*

Apr. 1761	Oct. 1761	xxx.	109	George Dodington	,,	Baron Melcombe.[4]
,, ,,	,, ,,	,,	110	Sir Thomas Robinson, K.B.	,,	,, Grantham.
,, ,,	,, ,,	,,	,,	Sir Richard Grosvenor, Bart.	,,	,, Grosvenor.
,, ,,	,, ,,	,,	,,	Sir Nathaniel Curzon, Bart.	,,	,, Scarsdale.
,, ,,	,, ,,	,,	,,	Sir William Irby, Bart.	,,	,, Boston.
May 1762		,,	262	John Perceval (Earl of Egmont in Ireland)	,,	,, Lovel and Holland.
,,	,,	,,	,,	John Damer (Lord Milton in Ireland)	,,	,, Milton.
,,	,,	,,	,,	John Montagu (only son of the Earl of Cardigan)	,,	,, Montagu.[5]
,,	,,	,,	269	George Fox Lane	,,	,, Bingley.[6]
,,	,,	,,	270	Sir Edward Montagu	,,	,, Beaulieu.
,,	,,	,,	,,	George Venables Vernon	,,	,, Vernon.
Apr. 1763		,,	404	Henry Fox	,,	,, Holland of Foxley.
Apr. 1763	Nov. 1763	,,	414	John Ligonier (Viscount Ligonier in Ireland)	,,	,, Ligonier.[7]
July 1765	Dec. 1765	xxxi.	226	Sir Charles Pratt, Kt. (L. C. J. Common Pleas)	,,	,, Camden.
Aug. 1765		,,	,,	Henry Digby (Lord Digby in Ireland)	,,	,, Digby.
Dec. 1766		,,	455	John Campbell (Marquis of Lorne, son of the Duke of Argyll)	,,	,, Sundridge.
Jan. 1767				Charles Yorke (2nd son of the Earl of Hardwicke)	,,	,, Morden.[8]
,, 1771		xxxiii.	41	Henry Bathurst (e. s. of Lord Bathurst)	,,	,, Apsley (Lord Chancellor).[9]
May 1776		xxxiv.	739	Alexander Hume Campbell (Lord Polwarth, son of Lord Marchmont)	,,	,, Hume.
,, ,,		,,	,,	John Stuart (Lord Mountstuart, e. s. of the Earl of of Bute)	,,	,, Cardiff.
,, ,,		,,	,,	Sir Edward Hawke, K.B.	,,	,, Hawke.

[1] Earldom extinct in 1780. [2] Extinct in 1771. [3] Afterwards Earl. A great-grandson of the first Duke of Marlborough.
[4] Extinct in 1761. [5] Extinct in 1770. [6] Extinct in 1773. [7] Earldom extinct in 1771.
[8] Died before his patent was sealed. [9] Merged in earldom of Bathurst, 1775.

May	1776	xxxiv.	740	George Onslow	created	Baron	Cranley.
,,	,,	,,	,,	Sir Jeffrey Amherst, K.B.	,,	,,	Amherst.
,,	,,	,,	,,	Sir Brownlow Cust, Bart.	,,	,,	Brownlow.
,,	,,	,,	741	George Pitt	,,	,,	Rivers.
,,	,,	,,	,,	Nathaniel Ryder	,,	,,	Harrowby.
,,	,,	,,	,,	Thomas Foley	,,	,,	Foley.
June 1778	July 1778	xxxv.	515	Edward Thurlow	,,	,,	Thurlow (Lord Chancellor).
June	1780	xxxvi.	147	Alexander Wedderburn (Lord Chief Justice of the Common Pleas)	,,	,,	Loughborough.
Oct.	,,	,,	179	William Hale Gage (Viscount Gage in Ireland)	,,	,,	Gage.
,,	,,	,,	180	James Brudenell (2nd son of the Earl of Cardigan)	,,	,,	Brudenell.
,,	,,	,,	,,	Sir William Bagot, Bart.	,,	,,	Bagot.
,,	,,	,,	,,	Charles Fitzroy	,,	,,	Southampton.
,,	,,	,,	,,	Henry Herbert	,,	,,	Porchester.
Apr,	1782	,,	429	John Dunning	,,	,,	Ashburton.
,,	,,	,,	432	Sir Fletcher Norton, Bart.	,,	,,	Grantley.
June	,,	,,	582	Sir George Brydges Rodney, K.B.	,,	,,	Rodney.
Mar.	1783	,,	608	Rt. Hon. T. Townshend	,,	,,	Sydney.
,,	,,	,,	624	Hon. Francis Rawdon (Lord Rawdon, e. s. of the Earl of Moira in Ireland)	,,	,,	Rawdon.[1]

[1] Created Marquis of Hastings in Feb. 1817.

The following are the creations in the Blood Royal: 1714, H.R.H. Prince George Augustus, afterwards George II—Duke of Cambridge; 1717, H.R.H. Prince Frederick Lewis, eldest son of George, Prince of Wales (later George II)—Duke of Gloucester (in 1726, Duke of Edinburgh; 1728, Duke of Cornwall); 1726, H.R.H. Prince William Augustus, second son of George, Prince of Wales—Duke of Cumberland (when aged 5); 1764, H.R.H. Prince William Henry, second brother of King George III—Duke of Gloucester and Edinburgh; 1765, H.R.H. Prince Henry Frederick, third brother of the King—Duke of Cumberland.

Several peerages were granted to women. The dignity of Duchess of Kendal was given in 1719 to Melusina von der Schulenburg for life; that of Countess of Walsingham was given in 1722 to her niece also for life; that of Countess of Yarmouth, also for life, in 1739 to Amelia Sophia de Walmoden. But peerages, with the right of descent to heirs male, were granted to the following: 1714, Grace Granville, Lady Carteret—Viscountess Carteret and Countess Granville; 1716, Margaret Coningsby (eldest daughter of Thomas, Lord Coningsby)—Baroness and Viscountess Coningsby (extinct 1761); 1749, Hester Grenville—Countess Temple; 1760, Mary Legge (daughter of the late Lord Stawell)—Baroness Stawell; 1761, Mary Stuart, wife of Earl of Bute—Baroness Mountstuart; Hester Pitt, wife of W. Pitt—Baroness Chatham (merged in later earldom); 1762, Lady Caroline Fox, wife of H. Fox—Baroness Holland of Holland; 1766, Caroline Townshend, wife of C. Townshend—Baroness Greenwich; 1776, Elizabeth Gunning, Duchess of Argyll—Baroness Hamilton.

APPENDIX B

REPORTS OF DEBATES IN THE HOUSE OF LORDS

THERE was no such thing as the verbatim reporting of parliamentary speeches in the eighteenth century. Since the taking of notes was a breach of privilege, anything done in this way had to be more or less surreptitious. The severity with which the House enforced its Standing Order on the subject varied from time to time, but not till late on in the century was there any degree of security. On this subject see Chapter I, pp. 11–14.

As accuracy of record was out of the question, the trustworthiness of such accounts as we have has to be very carefully sifted. There are valuable discussions on the subject by P. Mantoux, in *Notes sur les Comptes rendus des séances du Parlement anglais au XVIII^e siècle conservées aux Archives du Ministère des Affaires Étrangères* (Paris, 1906), and by Basil Williams in the first appendix to his *Life of Chatham*. See also P. Vaucher, *Robert Walpole et la Politique de Fleury* (Paris, 1924), pp. 16–17.

The standard collection of the Parliamentary debates of the period is Cobbett's *Parliamentary History*, vols. vi–xxiv. Two similar compilations covering part of the ground are *A Collection of Parliamentary Debates from 1668 to the Present Time* (14 vols., Dublin, J. Torbeck, 1741) and *History and Proceedings of the House of Lords, 1669–1742* (printed for E. Timberland, 1742–4).

In the introductions to vols. ix and x of the *Parliamentary History* a list is given of the authorities upon which that History is based. Those relevant to the House of Lords are: (1) The *Journals* of the House; (2) Abel Boyer's *Political State*; (3) The Timberland Collection; (4) *The Gentleman's Magazine*; (5) *The London Magazine*; (6) Tindal's *Continuation of Rapin's History*; (7) Coxe's *Memoirs of Sir Robert Walpole*.

While these are the authorities upon which the editors mainly relied, they used others, as for example the manuscript notes of Archbishop Secker and Lord Hardwicke, the *Parliamentary Journal* of Philip Yorke, Almon's *Anecdotes of Chatham*. As a general rule the accounts given in the main text of Cobbett will be found to be derived from the sources enumerated in the Introduction to vol. ix; the extracts from Hardwicke, Secker, &c., are

relegated to foot-notes. This is because the former authorities provide finished speeches, the latter only jottings and heads of arguments. In the Introductions to volumes ix, x, and xi, there will be found a defence of the authenticity of the records of debates given in the *London* and *Gentleman's Magazines*, upon which the editor's reliance is chiefly placed. Of the way in which these reports came to be produced an account is given in Chapter I, *supra*. The debates for the *Gentleman's Magazine* were written, to begin with, by Guthrie, afterwards by Dr. Johnson; those in the *London Magazine* by Gordon. How are we to regard Johnson's productions? His facetious boast that he always took good care that the Whigs should not get the best of it is notorious;[1] and Sir John Hawkins in his *Life of Johnson* (5th ed., 1807), p. 94, declared that not only were Johnson's *Debates* very largely the inventions of his own imagination, but he was worried by the fact of his deception, and that, hearing that Smollett in his *History of England* intended making use of the Debates published in the *Gentleman's Magazine*, he cautioned him not to rely upon their authenticity. The editor of the *Parliamentary History* refuses to accept this story—which indeed is contrary to our knowledge of Johnson's essential honesty as a man of letters—and dismisses it (Introduction to vol. ix) as 'a sheer invention', triumphantly pointing out that Smollett makes full use of Johnson's *Debates* and makes comments upon the speeches recorded which indicate his acceptance of their fidelity. 'Is it probable that Smollett, or any other man, after he had been cautioned by Johnson, that the debates as given in the Magazines were not to be relied on, would have spoken of them in the above terms?' The argument is not so conclusive as the writer would seem to imagine. Smollett's acceptance of Johnson's *Debates* as *bona fide* tells us perhaps more about Smollett as a historian than about Johnson as a reporter. The modern reader of Johnson's accounts is not likely to quarrel with the conclusion: 'They were commonly formed of general sentiments which suit any one speaker just as well as any other. . . . Had Defoe been the composer he would have scattered over each speech the most ingenious and probable matters of detail, but Defoe and Johnson were wide as the poles asunder.' Birkbeck Hill's edition of *Boswell's Life of Johnson* (6 vols., 1887), Introduction, vol. i, p. 506.[2]

[1] See A. Murphy, *Essay on the Life and Genius of Samuel Johnson* (1792), p. 45. Cf. the equally well-known story of how when some one praised a speech of Pitt's as the finest he had ever read, Johnson declared: 'That speech I wrote in a garret in Exeter Street.' *Ibid.*, p. 343.

[2] See also *ibid.*, pp. 115–18, 150–2, and the whole Appendix, pp. 501–12.

Even without any other kind of testimony, the internal evidence of Johnson's *Debates* is damaging enough. All the speeches read alike—they never help to characterize the speakers. The carefully weighed and judicial utterances of Hardwicke, the fussy confusedness of Newcastle, the sonorous declamations of Carteret, the brilliant witticisms of Chesterfield, the noisy foolishness of the younger Talbot all sound very much the same. The fact is that Johnson was thinking more of Cicero and Demosthenes than of the individualities of the parliamentary orators of his own day when he wrote his *Debates*. There is a great deal more life and reality in a single bald sentence of Secker than in a whole paragraph of Johnson. Indeed what the Doctor is engaged in doing for the most part is converting terse sentences into turgid periods. Cobbett's editor discovers proof of Johnson's trustworthiness in a comparison with Secker ; but it is the contrasts between them that are striking. Thus, in his jottings on a debate on December 9, 1740, the Archbishop notes that Carteret, rising to answer Hardwicke, remarked that he ' hath not heard the lord who spoke last with his usual pleasure, because he hath not spoke with his usual candour.' This in Johnson is expanded into : ' The known abilities of that noble lord, incline me always to hear him with uncommon expectation and attention, which seldom fail to be rewarded by such pleasure and information as few other men are able to afford. But his observations on the question before us, my lords, have only convinced me, that the greatest abilities may sometimes be betrayed into error, and the most candid dispositions be vitiated by accidental prejudices ' (*P. H.*, vol. xi, pp. 923–4, 902 *n.*). For other instances, among many, of Johnson's elaborations, vol. xi, pp. 894–910, 894–5 *n.* ; vol. xii, pp. 419, 646 *n.* Due allowance must be made for the fact that Secker, Hardwicke, and Yorke are avowedly only making succinct summaries, as also for the greater grandiloquence of utterance affected in that age. But while many of the speakers would no doubt have been glad to speak as Johnson represents them as doing, we may be quite sure that they were not able to do so. Yet, according to Johnson, there was uniform capacity to use the same sonorous cadences. It is a more serious criticism that, whereas Secker's jottings always make the distinctive arguments of the various speakers perfectly clear, in Johnson's version the arguments are sometimes no more clearly differentiated than the dictions of the speakers. Still worse are several cases of definite error, of confusion between Carteret and Chesterfield, e.g. the latter's great philippic against

the Government on December 4, 1741, is attributed to Carteret; so also is a speech of Chesterfield in favour of the bill for indemnifying witnesses against Walpole; so also an attack by Chesterfield on the Spirituous Liquors Bill of 1743, although Carteret actually defended the measure.

There can be only one sound rule in dealing with these pseudo-debates in the *London* and *Gentleman's Magazines*. Where the evidence of members of the House is available, it must always be preferred to that of the Magazines—indeed, in these cases, the latter is best ignored altogether. Secondly, although they purport to be so much more, the speeches in the *Magazines* must be regarded solely as summaries of arguments. Thirdly, where there is no other account available than those of the *Magazines*, the *London* should always be preferred to the *Gentleman's Magazine*, as a comparison between the magazine versions and the authentic evidence, shows a distinctly closer resemblance in the case of the *London Magazine* than in that of its rival.

The main sources for the Parliamentary debates of the eighteenth century may be classified as follows:

(1) There are a certain number of printed speeches, issued by the speakers themselves. Several of Hardwicke's were issued in pamphlet form; Haversham (see *supra*, p. 56 *n.*) was an inveterate printer of his own speeches. The caution is necessary that not everything which purports to be a speech delivered in Parliament is to be accepted as such. An anonymous publication, with the title 'Speech of a noble Lord' on such and such a subject, may usually be dismissed at once as unauthentic, as a pamphlet written in oratorical form. Authentic printed speeches are no doubt much 'improved' versions of the originals, but this is as true of the twentieth as of the eighteenth century.

(2) There are the records of members of the House, summarizing their own and other speakers' remarks. In addition to evidence of this nature already mentioned, there may be cited as belonging to this class the narratives of proceedings in Parliament given by Burnet in his *History of His Own Time*, by Hervey in his *Memoirs of George II*, by Grafton in his *Autobiography*.

(3) There are the accounts given by members of the other House, who had the opportunity of attending debates in the Lords, and by others, who, while members of neither House, were closely in touch with men of affairs and with the political situation. In this category come accounts (e.g.) in the *Wentworth Papers*, the *Harley Papers*, the *Portland MSS.*, the *Carlisle MSS.*, the

Caldwell Papers, the *Bedford Correspondence* and the *Grenville Correspondence*, Horace Walpole's *Letters* and *Memoirs* of the Reigns of George II and George III, and Burke's accounts in the *Annual Register*. In using sources in categories (2) and (3) full allowance must be made for the characters and prejudices of the writers. In the case of Burnet we are assisted in doing so by our possession of the running commentaries on many passages in his *History* written by political opponents like Swift and Dartmouth.

(4) There are the reports of foreign residents sent to their Governments. See on this subject Mantoux. The reports of L'Hermitage to the Dutch Government are particularly valuable for the reign of Queen Anne.

(5) There are the accounts by occasional visitors to the House, such as Grattan and Cradock, who give us some of our most valuable descriptions of the oratory of Chatham in the House of Lords.

(6) There are the productions of the earlier pressmen, who wrote their Debates before the House of Lords became very stringent in carrying out the Standing Order against reporting, e. g. those of the indefatigable Abel Boyer, who was able to give often fairly full reports of debates in his *History of Queen Anne* and in his annual survey of the events of the previous twelve months in the *Political State*. To the earlier reports in the *Gentleman's Magazine* considerable credence may be given. Guthrie, who actually attended the Parliamentary debates, is said to have had a very quick and tenacious memory, and his versions were probably fairly accurate, until they came to be buried under Johnson's embroideries. See *Boswell's Life of Johnson* (3 vols., 1906), vol. i, p. 75.

APPENDIX C

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[Only the most important sources are here mentioned. References to others will be found in the foot-notes *passim*. Place of publication is only indicated when it is not London.]

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The volumes in the *House of Commons Journals* for the same period are xiii to xxxix.

The protests in the *Journals* have been collected together by J. E. Thorold Rogers, *A Complete Collection of the Protests of the Lords* (3 vols., Oxford, 1875). The Protests for this period will be found between vol. i, p. 163, and vol. ii, p. 216.

The *Journals* are supplemented by the miscellaneous papers, minute-books containing proceedings in the House of Lords, proceedings in select committees, &c., to be found in the *Manuscripts of the House*, formerly issued under the authority of the Historical Manuscripts Commission, but now brought out independently, of which the following volumes have been issued for the period of Queen Anne's reign:

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The new edition of G. E. C. will, when completed, easily take pride of place, on account of its fullness and accuracy. But it is a pity that

Doyle's *Official Baronage* was never finished, as it is admirably arranged for reference purposes.

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The Peerage of England, or an Historical and Genealogical Account of the Present Nobility—Abel Roper and Arthur Collins (4 vols., 1714).

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